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Sunshine Ordinance Task Force

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7724
Fax No. 554-7854
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SUNSHINE ORDINANCE TASK FORCE

AGENDA

Tuesday, January 27, 2004
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
Seat 2	Bruce Brugmann	Seat 9	David Parker
Seat 3	Richard Knee	Seat 10	Alexandra Nickliss
Seat 4	Pawan Mehra	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	Sue Cauthen		

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force Office, Room 244.

Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of December 16, 2003. (Donna Hall) (action item) (5 min)

2. Resolution of commendation to Joshua Koltun. (Garrett Jenkins) (discussion item) (5 min)

3. Report from Rules Committee meeting of January 8, 2004. (Heather Sterner) (action item) (5 min)

   --Approval of hearing procedures.

4. Report from Compliance & Amendments Committee meeting of January 14, 2004. (Richard Knee) (discussion item) (5 min)

5. Report from Complaint Committee meeting of January 13, 2004. (Doug Comstock) (action items) (5 min)

   A. Determination of jurisdiction of complaint of Steve Cockrell against the Park, Recreation & Open Space Advisory Committee (PROSAC) for alleged failure to provide records in response to a public record request.

   B. Determination of jurisdiction of complaint of Joe Acosta against the Park and Recreation Department, the Park and Recreation Commission, the San Francisco Park, Recreation & Open Space Advisory committee (PROSAC) and the Board of Supervisors for alleged failure to provide a meaningful description on their meeting agendas.

   C. Determination of jurisdiction of complaint of Kevin Williams against the San Francisco Human Rights Commission for alleged overcharging for the production of public records.

   D. Determination of jurisdiction of complaint of Joseph Graff against the San Francisco Fire Department for alleged failure to provide records in response to a public record request.

6. Public hearing, complaint of Steve Cockrell against the Park, Recreation & Open Space Advisory Committee (PROSAC) for alleged failure to provide records in response to a public record request. (action item) (20 min)

7. Public hearing, complaint of Joe Acosta against the Park and Recreation Department, the Park and Recreation Commission, the San Francisco Park, Recreation & Open Space Advisory committee (PROSAC) and the Board of Supervisors for alleged failure to provide a meaningful description on their meeting agendas. (action item) (20 min)

8. Public hearing, complaint of Kevin Williams against the San Francisco Human Rights Commission for alleged overcharging for the production of public records. (action item) (20 min)

9. Public hearing, complaint of Joseph Graff against the San Francisco Fire Department for alleged failure to provide records in response to a public record request. (action item) (20 min)

10. Administrator's Report for January. (Donna Hall) (discussion item) (5 min)

11. Public comment for items not listed on the agenda. (discussion item) (10 min)

12. Future agenda items. (discussion item) (5 min)

Adjournment **Next Regular Meeting February 24, 2004**

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MINUTES*

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Note: First name after motion indicates initiator of motion; second name indicates seconder of motion. All motions unanimous except as noted.

Roll Call: Present: Brugmann (arrived at 4:07 p.m.), Cauthen, Comstock, Dogwill, Jenkins, Knee, Mehra, Nickliss, Parker, Sterner, and Williams. Absent: None

The meeting convened at 4:02 p.m.

1. Approval of minutes of December 16, 2003. Approved. (Nickliss/Parker) (Ayes: Cauthen, Comstock, Dogwill, Jenkins, Knee, Mehra, Nickliss, Parker, Sterner, and Williams) (Noes: None) (Absent: Brugmann)

2. Resolution of commendation to Joshua Koltun.

   This item was not heard at this meeting.

3. Report from Rules Committee meeting of January 8, 2004.

   --Approval of hearing procedures.

   Committee Chair Sterner presented an oral report on the meeting of January 8, 2004.

Public comment from Peter Warfield stating his concern that Item 4 of the hearing procedures in the January 8, 2004 Rules Committee minutes, Public Comment would be restricted to two minutes instead of the usual three minutes.

Motion to approve the Hearing Procedures. (Parker/Knee) Withdrawn.

Motion to approve the hearing procedures with amendment to change the Public Comment section to "up to three minutes". (Comstock/Knee) (Ayes: Brugmann, Cauthen, Comstock, Dogwill, Jenkins, Knee, Mehra, Nickliss, Parker, Sterner, and Williams) (Noes: None)

4. Report from Compliance & Amendments Committee meeting of January 14, 2004.

Committee Chair Knee presented an oral report on the meeting of January 14, 2004 as follows:

- Mr. Witt is no longer having trouble with projection access at the Taxi Commission hearings, but is still being cut short by the Chair who says he is not on subject when he is speaking during Public Comment for Items not on the Agenda section.

- Amendments to Sunshine Ordinance regarding authority to issue fines and penalties, statute of limitations, and putting amendments on the November ballot.

- Public hearing to discuss amendments to the Sunshine Ordinance to be scheduled at City Hall on the afternoon of Wednesday, March 10th as a joint process with the Compliance and Amendments Committee and the Sunshine Task Force. The Task Force Administrator would poll the Task Force members for availability. The Deputy City Attorney would send proposed amendments to Task Force members by e-mail or mail before March 1.

Public comment from Peter Warfield requesting that (1) proposed amendments and status of Sunshine Ordinance amendments be available and publicized for public review; and (2) the January 14, 2004 Compliance and Amendments Committee meeting issue that the Public Library respond to public information requests in the same media that is requested; and (3) requesting more information on the statute of limitations.

Public comment from Steve Cockrell stating that the Sunshine Ordinance Task Force should raise its judicial standards and procedures before it obtains more enforcement powers and requesting that the proposed amendment process be posted online for public review.

5. Report from Complaint Committee meeting of January 13, 2004.

Committee Chair Comstock presented an oral report on the meeting of January 13, 2004.

A. Determination of jurisdiction of complaint of Steve Cockrell against the Park, Recreation & Open Space Advisory Committee (PROSAC) for alleged failure to provide records in response to a public record request.

Motion adopted approving jurisdiction. (Nickliss/Dogwill) (Ayes: Brugmann, Cauthen, Comstock, Dogwill, Jenkins, Knee, Mehra, Nickliss, Parker, Sterner, and Williams) (Noes: None)

B. Determination of jurisdiction of complaint of Joe Acosta against the Park and Recreation Department, the Park and Recreation Commission, the San Francisco Park, Recreation & Open Space Advisory committee (PROSAC) and the Board of Supervisors for alleged failure to provide a meaningful description on their meeting agendas.

Motion adopted approving jurisdiction. (Comstock/Cauthen) (Ayes: Brugmann, Cauthen, Comstock, Dogwill, Jenkins, Knee, Mehra, Nickliss, Sterner, and Williams) (Noes: Parker)

C. Determination of jurisdiction of complaint of Kevin Williams against the San Francisco Human Rights Commission for alleged overcharging for the production of public records.

Public comment from Catherine Barnes, General Counsel for the Human Rights Commission urging the Task Force to deny jurisdiction.

Motion adopted approving jurisdiction. (Comstock/Nickliss) (Ayes: Brugmann, Cauthen, Comstock, Dogwill, Jenkins, Knee, Mehra, Nickliss, Sterner, and Williams) (Noes: Parker)

D. Determination of jurisdiction of complaint of Joseph Graff against the San Francisco Fire Department for alleged failure to provide records in response to a public record request.

Motion requesting severance of Inspector Sperisen's case from Lieutenant Graff's case and to vote on these cases separately (Parker/Sterner). Second withdrawn.

Motion adopted approving jurisdiction. (Comstock/Nickliss) (Ayes: Brugmann, Cauthen, Comstock, Dogwill, Jenkins, Knee, Mehra, Nickliss, Sterner, and Williams) (Noes: Parker)

6. Public hearing, complaint of Steve Cockrell against the Park, Recreation & Open Space Advisory Committee (PROSAC) for alleged failure to provide records in response to a public record request.

   Complainant Steve Cockrell spoke in support of his complaint.

   Paul Zarefsky, Deputy City Attorney spoke in support of PROSAC.

   Complainant Steve Cockrell presented a rebuttal.

   Public comment from Bill Carlin stating that this complaint is a poor use of the Sunshine Ordinance Task Force's time.

   Public comment from Complainant Steve Cockrell stating that he would have no objection to continuance.

   Public comment from Deputy City Attorney Paul Zarefsky requesting that new issues presented by Mr. Cockrell should be forwarded to him to comment on and that PROSAC has no objection to continuance.

   Motion adopted to continue this item to the February 24, 2004 meeting. (Comstock/Nickliss) (Ayes: Brugmann, Cauthen, Comstock, Dogwill, Jenkins, Knee, Mehra, Nickliss, Parker, Sterner, and Williams) (Noes: None)

7. Public hearing, complaint of Joe Acosta against the Park and Recreation Department, the Park and Recreation Commission, the San Francisco Park, Recreation & Open Space Advisory committee (PROSAC) and the Board of Supervisors for alleged failure to provide a meaningful description on their meeting agendas.

   Complainant Joseph Acosta spoke in support of his complaint.

   Joe Story spoke in support of Joseph Acosta's complaint.

   Marcie DeLuz spoke in support of Joseph Acosta's complaint.

   Yomi Agunbiade, Capital Program Manager for Recreation and Park spoke in support of PROSAC and the Recreation and Park Commission and stated that in the future a more meaningful description would be provided on agendas.

   Complainant Joseph Acosta presented a rebuttal.

   Public comment from Peter Warfield regarding the need to provide more meaningful agendas according to Sunshine Ordinance Section 67.7(a) and 67.7(b).

Public comment from Pat Hendrix regarding the City's approval of the Exchange Agreement and the neighborhood's lack of opportunity to address the issue because of a lack of adequate notification.

Public comment from Steve Cockrell regarding importance of noticing agendas properly and adopting new standards.

Public comment from Peter Warfield recommending that the Sunshine Task Force add to their Notice of Determination that Sunshine Ordinance Sections 67.7(a) and 67.7 (b) were violated.

Order of Determination adopted that the Sunshine Ordinance Task Force finds the San Francisco Board of Supervisors to be in violation of Sunshine Ordinance Sections 67.7 (a) and 67.7 (b). The Task Force specifically finds that Legislative File #031545 is in violation because the subject properties up for discussion and action by the Board were not identified by street address, cross-streets or other distinctive landmarks. The Task Force finds that identification by real estate block and lot numbers did not adequately apprise the public of the actual location of the properties and the public could not reasonably determine if the subject matter would be of interest to them. The Task Force requests this item be reheard by the Board of Supervisors; and further requests that future agenda items involving real estate include the standard real estate property designations, as well as street addresses, cross streets or landmarks. (Comstock/Knee) (Ayes: Brugmann, Cauthen, Comstock, Dogwill, Jenkins, Knee, Mehra, Nickliss, Parker, Sterner, and Williams) (Noes: None)

Order of Determination adopted that the Sunshine Ordinance Task Force finds the San Francisco Recreation and Park Department, the San Francisco Recreation and Park Commission, the San Francisco Park, Recreation & Open Space Advisory Committee (PROSAC) to be in violation of Sunshine Ordinance Section 67.7 (a) and 67.7 (b) because the agendas of the respective policy bodies did not have the street address, cross streets, or other landmarks in their description of the properties up for discussion and action by those bodies. The Task Force requests that future agenda items include in addition to the standard real estate property designations, the street addresses, cross streets or other landmarks as well. (Comstock/Nickliss) (Ayes: Brugmann, Cauthen, Comstock, Dogwill, Jenkins, Knee, Mehra, Nickliss, Parker, Sterner, and Williams) (Noes: None)

Member Parker excused from the meeting at this time.

8. Public hearing, complaint of Kevin Williams against the San Francisco Human Rights Commission for alleged overcharging for the production of public records.

Complainant Kevin Williams spoke in support of his complaint.

Catherine Barnes, General Counsel for the Human Rights Commission spoke in

support of the Commission.

Complainant Kevin Williams presented a rebuttal.

Public comment from Peter Warfield regarding the use of computers resulting in the inaccessibility of public records and recommended that the Sunshine Ordinance Task Force be skeptical of inaccessibility claims. In addition, the public can only be charged for the media, not for the time involved in obtaining the information.

Motion adopted to continue this item to the Sunshine Ordinance Task Force meeting of February 24, 2004 to (1) discuss the issue of documents/invoices not received related to the hiring of an outside consultant in response to an Immediate Disclosure Request, and (2) request that City Attorney Investigator Gary Shweid attend the next meeting and provide documentation showing cost factors and process involved in providing documents requested by complainant. (Cauthen/Comstock) (Ayes: Brugmann, Cauthen, Comstock, Dogwill, Jenkins, Knee, Mehra, Nickliss, Sterner, and Williams) (Noes: None) (Absent: Parker)

9. Public hearing, complaint of Joseph Graff against the San Francisco Fire Department for alleged failure to provide records in response to a public record request.

   Complainant Joseph Graff spoke in support of his complaint.

   Assistant Deputy Chief Lorrie Kalos spoke in support of the Fire Department.

   Complainant Joseph Graff presented a rebuttal.

   Motion adopted to continue this item to the February 24, 2004 Sunshine Task Force meeting if the complaint is not resolved. (Comstock/Nickliss) (Ayes: Brugmann, Cauthen, Comstock, Dogwill, Jenkins, Knee, Mehra, Nickliss, Sterner, and Williams) (Noes: None) (Absent: Parker)

10. Administrator's Report for January.

    Task Force Administrator Hall submitted a written report.

11. Public comment for items not listed on the agenda. No public comment.

12. Future agenda items. None

The meeting adjourned at 8:18 p.m. Submitted by Donna L. Hall, Administrator

*The 1/27/04 Sunshine Ordinance Task Force minutes have been audio recorded and are on file in the Sunshine Ordinance Task Force Office.

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Roll Call
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2. Resolution of commendation to Joshua Koltun. (Garrett Jenkins) (discussion item) (5 min)

3. Report from the City Administrator on progress of Index of Records. (Jill Lerner) (discussion item) (15 min)

4. Report from Compliance & Amendments Committee meeting of February 11, 2004. (Richard Knee) (discussion item) (5 min)

5. Report from Complaint Committee meeting of February 10, 2004. (Doug Comstock) (action items) (5 min)

A. Jurisdiction of complaint of John Kelly against the Department of Building Inspection alleging (a) that his requests were not responded to in a timely manner; and (b) that when the Department responded, the Department did not fully comply with the records request.

B, Jurisdiction of complaint of Oliver Luby & John DeLiban against the Ethics Commission alleging deleting of email and attachments that were sent to the Ethics Commission, thereby violating the Sunshine Ordinance.

6. Public hearing, continued from 1-27-04, complaint of Steve Cockrell against the Park, Recreation & Open Space Advisory Committee (PROSAC) for alleged failure to provide records in response to a public record request. (action item) (20 min)

7. Public hearing, continued from 1-27-04, complaint of Kevin Williams against the San Francisco Human Rights Commission for alleged overcharging for the production of public records; and whether the cost set by the Human Rights Commission for producing the public records is reasonable, and if not how much the cost should be. (action item) (20 min)

8. Public hearing, complaint of John Kelly against the Department of Building Inspection alleging (a) that his requests were not responded to in a timely manner; (b) that when the Department responded, the Department did not fully comply with the records request and (c) the Department did not provide a written statement in regard to certain specific records. (action item) (20 min)

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10. Administrator's Report for February. (Donna Hall) (discussion item) (5 min)

11. Public comment for items not listed on the agenda. (discussion item) (10 min)

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Sunshine Ordinance Task Force

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Fax No. 554-7854
TDD/TTY No. 544-5227

http://www.sfgov.org/sunshine/

SUNSHINE ORDINANCE TASK FORCE

MINUTES*

Tuesday, February 24, 2004
4:00 p.m., City Hall, Room 408

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2/24/04

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Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
Seat 2	Bruce Brugmann	Seat 9	David Parker
Seat 3	Richard Knee	Seat 10	Alexandra Nickliss
Seat 4	Pawan Mehra	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	Sue Cauthen		

Note: First name after motion indicates initiator of motion; second name indicates seconder of motion. All motions unanimous except as noted.

Roll Call: Present: Brugmann, Cauthen (arrived during Item #4), Comstock (arrived during Item #4), Dogwill, Jenkins, Knee, Nickliss, Sterner, Williams. Absent: Mehra, Parker.

The meeting convened at 4:00 p.m.

1. Approval of minutes of January 27, 2004.

   Approved. (Nickliss/Sterner) (Absent: Comstock, Parker, Mehra, Cauthen)

2. Resolution of commendation to Joshua Koltun.

   Chair Jenkins presented Resolution of Commendation to former member Koltun.

4. Report from Compliance & Amendments Committee meeting of February 11, 2004.

-- Members Comstock and Cauthen entered the meeting at this time.

   Chair Knee reported on the Committee meeting of February 11 and the public

hearing meeting of February 21, 2004.

Public comment from David Pilpel stating he had submitted a number of suggestions.

Public comment from Peter Warfield stating he agreed the proposed amendments should be available in paper form.

5. Report from Complaint Committee meeting of February 10, 2004.

Chair Comstock reported on the Complaint Committee meeting of February 20, 2004.

A. Jurisdiction of complaint of John Kelly against the Department of Building Inspection alleging (a) that his requests were not responded to in a timely manner; and (b) that when the Department responded, the Department did not fully comply with the records request.

Motion adopted approving jurisdiction of the complaint of John Kelly. (Cauthen/Brugmann) (Absent: Parker, Mehra)

B, Jurisdiction of complaint of Oliver Luby & Kevin DeLiban against the Ethics Commission alleging deleting of email and attachments that were sent to the Ethics Commission, thereby violating the Sunshine Ordinance.

Motion adopted approving jurisdiction of the complaint of Oliver Luby and Kevin DeLiban. (Nickliss/Knee) (Absent: Parker, Mehra)

Complainants stated they were concerned there might be a concern of the Task Force that Member Cauthen entered the Complaint Committee meeting after Complainants and Respondents had spoken.

3. Report from the City Administrator on progress of Index of Records.

Jill Lerner presented report from the City Administrator's Office on the semi-annual progress of the Sunshine Ordinance requirement for an Index of Records, stating most departments had complied.

Public comment from Peter Warfield regarding the value of this project; it would be helpful to know what is available and how to get access to the records.

6. Public hearing, continued from 1-27-04, complaint of Steve Cockrell against the Park, Recreation & Open Space Advisory Committee (PROSAC) for alleged failure to provide records in response to a public record request.

This item continued to March 23, 2004

7. Public hearing, continued from 1-27-04, complaint of Kevin Williams against the San Francisco Human Rights Commission for alleged overcharging for the production of public records; and whether the cost set by the Human Rights Commission for producing the public records is reasonable, and if not how much the cost should be.

   Gary Shweid, Investigator with the City Attorney's Office addressed the Task Force regarding generally what is involved in obtaining data from computers and the amount of time required.

   Complainant Kevin Williams stated he was concerned with the $134 per hour that was computed to cost him to have the information he requested retrieved.

   Motion adopted urging the Human Rights Commission and the City Attorney's Office to produce the method and invoice or document used in this case and to do so in a convenient, effective, economical and timely basis. (Brugmann/Nickliss) (Absent: Parker, Mehra)

8. Public hearing, complaint of John Kelly against the Department of Building Inspection alleging (a) that his requests were not responded to in a timely manner; (b) that when the Department responded, the Department did not fully comply with the records request and (c) the Department did not provide a written statement in regard to certain specific records.

   Complainant John Kelly addressed the Task Force in support of his complaint.

   Jim Hutchinson, Department of Building Inspection, addressed the Task Force stating the Department had gone past the timeline in delivering documents; documents were available to Mr. Kelly at this meeting.

   Order of Determination adopted stating the Department of Building Inspection is in violation of Section 67.21 and 67.21 (c) of the Sunshine Ordinance in that the records were not supplied in a timely manner and the Complainant was not supplied a written statement as to the existence of documents. (Comstock/Nickliss) (Absent: Parker, Mehra)

   The Department of Building Inspection was encouraged to develop an index of records.

11. Public comment for items not listed on the agenda. No public comment.

9. Public hearing, complaint of Oliver Luby & Kevin DeLiban against the Ethics Commission alleging deleting of email and attachments that were sent to the Ethics Commission, thereby violating the Sunshine Ordinance.

Member Knee acknowledged disclosure that his wife is treasurer of an organization that led a campaign for a couple of years; that organization was selected, randomly, by the Ethics Commission; the issue involved Mr. James Sutton. Member Knee stated he is ready to approach this item without prejudice.

The Task Force acknowledged no problem with Member Knee approaching this item.

Kevin DeLiban and Oliver Luby addressed the Task Force in support of their complaint.

Ginny Vida and Mabel Ng, Ethics Commission, addressed the Task Force in opposition to the complaint.

Public comment from David Pilpel stating he believes the issue could have legal significance; might want to urge the Ethics Commission to open an investigation; urge Task Force to find a violation on this issue.

Public comment from Mark Soloman urging the Task Force to assure there are not special rules, stating the Commission runs the Department and the Department runs the Commission.

Public comment from Charles Marsteller stating the document appeared to fall within the jurisdiction of the Commission.

Order of Determination adopted as follows: (Comstock/Brugmann) (Absent: Parker, Mehra)

(1) The SOTF finds that the Executive Director and the Deputy Executive Director of the Ethics Commission violated Sections 67.29-1 and 67.29-7 (a) of the Sunshine Ordinance by deleting the e-mail attached document from the Commission's computer file.

(2) This Order of Determination is to be forwarded to the San Francisco Ethics Commission, the Fair Political Practices Commission, and the State Attorney General for investigation.

10. Administrator's Report for February. Report submitted.

12. Future agenda items. None.

The meeting adjourned at 8:00 p.m. Submitted by Donna L. Hall, Administrator

The 2/24/04 Task Force meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force.

Sunshine Ordinance Task Force

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SUNSHINE ORDINANCE TASK FORCE

AGENDA

SPECIAL MEETING

Wednesday, March 10, 2004
6:00 p.m., City Hall, Room 406

Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
Seat 2	Bruce Brugmann	Seat 9	David Parker
Seat 3	Richard Knee	Seat 10	Alexandra Nickliss
Seat 4	Pawan Mehra	Seat 11	Marjorie Ann Williams
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Seat 7	Sue Cauthen		

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Call to Order
Roll Call
Agenda Changes

1. Report from Compliance & Amendments Committee meeting of March 10, 2004. (Richard Knee) (discussion item) (5 min.)

2. Sunshine Ordinance Task Force proposed amendments to the Sunshine Ordinance. (discussion & possible action)

3. Public comment for items not listed on the agenda. (no action)

Adjournment **Next Regular Meeting March 23, 2004**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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2.	City responds	5 minutes
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Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to
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SUNSHINE ORDINANCE TASK FORCE

MINUTES*

SPECIAL MEETING

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Wednesday, March 10, 2004
6:00 p.m., City Hall, Room 406

Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
Seat 2	Bruce Brugmann	Seat 9	David Parker
Seat 3	Richard Knee	Seat 10	Alexandra Nickliss
Seat 4	Pawan Mehra	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	Sue Cauthen		

Note: First name after motion indicates person introducing motion; second name indicates person seconding motion. Motions adopted unanimous except as noted.

Roll Call: Present: Dogwill, Brugmann entered in Item 3, Knee, Mehra, Sterner, Comstock, Cauthen, Jenkins, Parker, Nickliss. Absent: Williams

1. Report from Compliance & Amendments Committee meeting of March 10, 2004.

   Report given by Chair Knee

3. Public comment for items not listed on the agenda.

   Peter Warfield addressed the Task Force requesting the Complaint Committee meet in special session in to meet compliance with Sunshine Ordinance Section 67.21 (e) to consider four complaints he has submitted to the Task Force.

   Female speaker addressed the Task Force requesting information on Task Force procedures.

2. Sunshine Ordinance Task Force proposed amendments to the Sunshine Ordinance.

The following Sunshine Ordinance items were discussed for possible inclusion in the suggested amendments to the Sunshine Ordinance:

Non-profits that receive any amount of money from the City
67.29, Index to records
67.29 (2) draft minutes
67.4 Passive Meetings
67.6 Conduct of Business
Designation of Open Government and Open Government Commission
67.7-2 Additional Public Statements
67.9 Agendas and Related Materials
67.14 Tape Recording
67.16 Minutes
67.21 (b) take out
67.21 (e)
67.21 (e) (2) and (3) out
67.21 (h) okay
67.24 Public Information (3) (1) leave in
67.25 Immediacy of Response
67.28 Fees for Duplication
67.29-5 Calendars of Certain Officials

Public comment from David Pilpel regarding Section 67.3 (d) (7) and 67.32; intent of regulations regarding passive meetings; 67.7-2; 67.28; 67.25; 67.16 minutes

Public comment from Peter Warfield regarding availability of documents discussed at a public meeting; inclusion of passive meeting bodies regarding availability of public to speak; 67.25; 67.29-2 draft minutes.

Motion adopted to set a Special Meeting for Wednesday, March 17, 2004, 6:00 p.m. (Knee/Sterner) (Williams absent)

The meeting adjourned at 9:20 p.m.

Donna L. Hall, Administrator

The 3/10/04 Sunshine Ordinance Task Force meeting has been audio recorded and is on file in the Sunshine Ordinance Task Force office.

Sunshine Ordinance Task Force

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SUNSHINE ORDINANCE TASK FORCE

AGENDA

SPECIAL MEETING

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MAR 11 2004
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Wednesday, March 17, 2004
6:00 p.m., City Hall, Room 406

Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
Seat 2	Bruce Brugmann	Seat 9	David Parker
Seat 3	Richard Knee	Seat 10	Alexandra Nickliss
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Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	Sue Cauthen		

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Call to Order
Roll Call
Agenda Changes

1. Sunshine Ordinance Task Force proposed amendments to the Sunshine Ordinance. (discussion & possible action)

2. Public comment for items not listed on the agenda. (no action)

Adjournment **Next Regular Meeting March 23, 2004**

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MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

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2.	City responds	5 minutes
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Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

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SUNSHINE ORDINANCE TASK FORCE

MINUTES

SPECIAL MEETING

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Wednesday, March 17, 2004
6:00 p.m., City Hall, Room 406

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Task Force Members

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Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	Sue Cauthen		

Note: First name after motion indicates person introducing motion; second name indicates person seconding motion. Motions adopted unanimously except as noted.

The meeting convened at 6:00 p.m.

Roll Call: Present: Brugmann, Knee, Sterner, Comstock (arrived at 6:07 p.m.), Cauthen, Jenkins, Parker, Nickliss, Williams. Absent: Dogwill, Mehra.

1. Sunshine Ordinance Task Force proposed amendments to the Sunshine Ordinance.

   March 15, 2004 proposed amendments to the following sections were discussed:

   ARTICLE III PUBLIC INFORMATION AND PUBLIC RECORDS

   67.29-6. Sources of Outside Funding.
   67.29-7. Correspondence and Records Shall be Maintained.

   Member Comstock entered the meeting at this time.

67.21. Process for Gaining Access to Public Records; Administrative Appeals
67.21-1 Policy Regarding Use and Purchase of Computer Systems
67.24. Public Information That Must be Disclosed
67.25. Immediacy of Response
67.28. Fees for Duplication
67.29-3. (No Title for Section—adding title)
67.29-5. Calendars of Certain Officials

Public Comment on Article III.

Public comment from David Pilpel on Sections 67.21 and 67.24(e)(1) requesting source of dropped amendments. Requesting that Section 67.29-5 apply to calendars of department heads and all elected officials and Section 67.29-7, record retention policy.

Public comment from Peter Warfield on Sections 67.29-6, Sources of Outside Funding; 67-29-7(c), disclosure of outside city agencies; 67.25, response to be a choice of requestor of information, 67.28(e) Fees for Duplication of video tapes high; 67.30(c) statute of limitations being inserted back in amendments without discussion.

ARTICLE IV POLICY IMPLEMENTATION

The following March 15, 2004 Article IV proposed amendments were discussed:

67.30. Open Government Commission
67.31. Responsibility for Administration.
67.32. Provision of Services to Other Agencies; Sunshine Required.
67.33. Department Head Declaration.

A discussion was held regarding adding (1) a section that would make available Sunshine Ordinance training material to the public in three other major languages; and (2) adding a clause that would allow amendments be made to the Sunshine Ordinance without going to the voters as a part of Proposition E under certain circumstances.

ARTICLE II PUBLIC ACCESS TO MEETINGS

67.4(b). Passive Meetings.
67.13(e). Barriers to Attendance Prohibited.

Public comment from David Pilpel regarding (1) Administrative Code Section 12L (Nonprofits) should be placed on a future agenda before discussion; (2) Sunshine Ordinance Article II, Section 67.4(b) passive meeting requirements; (3) 67.30(d) legality of the City conferring subpoena powers to a body over another entity; (4)

67.30(e) if an ordinance may appropriate funds outside of the City's budget and whether the Board of Supervisors would review each civil prosecution; (5) 67.32 subsidies to outside agencies is prohibited by law; (6) other agencies adopting their own requirements; (7) 67.33, department head declaration and applicable entities being subject to Sunshine training. Request was made to discuss the February 20, 2004 letter that was provided to the Task Force recommending proposed language for amendments.

Public comment from Peter Warfield regarding (1) Administrative Code Section 12L (Nonprofits) applying only to non-profits doing business with the City of over $250,000 and above; (2) all entities doing business with the City should be subjected to open government laws; (3) 67.30(c) wording on statute of limitations bad for open government and citizens; (4) provision of documentation relating to agenda discussion and action items be available to the public 72-hours before the meeting; (5) removing the phrase referencing the Compliance and Amendments Committee in Section 67.30(d) and replacing it with the Commission; (6) enforcement of Sunshine laws on violations of provision of documents and meetings.

2. Public comment for items not listed on the agenda.

   Public comment from Peter Warfield and David Pilpel on above referenced proposed amendments.

Adjournment: The meeting adjourned at 9:20 p.m.

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Sunshine Ordinance Task Force

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SUNSHINE ORDINANCE TASK FORCE

AGENDA

Tuesday, March 23, 2004
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
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Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of February 24, 2004. (Donna Hall) (action item) (5 min)

2. Public hearing, continued from 2-24-04, complaint of Steve Cockrell against the Park, Recreation & Open Space Advisory Committee (PROSAC) for alleged failure to provide records in response to a public record request. (action item) (20 min)

3. Citizen concern regarding Sunshine Ordinance Task Force procedures.

4. Proposed amendments to the Sunshine Ordinance. (Richard Knee) (discussion and possible action) (60 min)

5. Administrator's Report for March. (Donna Hall) (discussion item) (5 min)

6. Public comment for items not listed on the agenda. (no action) (10 min)

7. Future agenda items. (discussion item) (5 min)

Adjournment **Next Regular Meeting April 27, 2004**

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Sunshine Ordinance Task Force

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7724
Fax No. 554-7854
TDD/TTY No. 544-5227

http://www.sfgov.org/sunshine/

SUNSHINE ORDINANCE TASK FORCE

MINUTES*

Tuesday, March 23, 2004
4:00 p.m., City Hall, Room 408

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Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
Seat 2	Bruce Brugmann	Seat 9	David Parker
Seat 3	Richard Knee	Seat 10	Alexandra Nickliss
Seat 4	Pawan Mehra	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	Sue Cauthen		

Note: First name after motion indicates initiator of motion; second name indicates seconder of motion. All motions unanimous except as noted.

Meeting called to order at 4:05 p.m.

Roll Call: Present: Dogwill, Knee, Sterner, Comstock (entered meeting at Item #4), Cauthen, Jenkins, Parker, Williams: Absent: Brugmann, Mehra, Nickliss

Agenda changes: Item #2 removed.

1. Approval of minutes of February 24, 2004.

   Minutes approved. (Sterner/Knee) Absent: Brugmann, Mehra, Nickliss, Comstock)

2. Public hearing, continued from 2-24-04, complaint of Steve Cockrell against the Park, Recreation & Open Space Advisory Committee (PROSAC) for alleged failure to provide records in response to a public record request.

   Item removed at request of complainant.

3. Citizen concern regarding Sunshine Ordinance Task Force procedures.

   Community person expressed concern regarding not being able to secure records. The Task Force referred the person to two websites, www.cfac.org. and www.spj.org.

Member Comstock entered the meeting at this time.

4. Proposed amendments to the Sunshine Ordinance.

   Public comment from Peter Warfield regarding Section 67.22 ©; documents available at public meetings; cost of video tapes.

   Public comment from David Pilpel regarding a number of items submitted to the Task Force, submitted at the meeting.

   Public comment from Joan Girardot regarding public comment; tape recording of meetings; redacting of addresses; preparation of master list of documents.

   Task Force discussed written comments submitted from David Pilpel; 67.22, 67.25, 67.22 © 67.23; Immediate Disclosure requirements; 67.9, 67.14, 67.15 (b), 67.16 (b), 67.23, 67.15, 67.14, master list of documents; RFP notification process; 67.6 (h), 67.15 (f) 67.35, 67.4 (a) (1), 67.24, 67.15 (c), 67.32 (b)

5. Administrator's Report for March.

   Report submitted.

6. Public comment for items not listed on the agenda.

   Peter Warfield addressed the Task Force requesting his four submitted complaints against the Public Library be heard before the April 27 Task Force meeting

7. Future agenda items. None

The meeting adjourned at 7:35 p.m.

Donna L. Hall, Administrator

The 3/23/04 Sunshine Ordinance Task Force meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force.

Sunshine Ordinance Task Force

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SUNSHINE ORDINANCE TASK FORCE

AGENDA

SPECIAL MEETING

Wednesday, April 7, 2004
5:00 p.m., City Hall, Room 406

Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
Seat 2	Bruce Brugmann	Seat 9	David Parker
Seat 3	Richard Knee	Seat 10	Alexandra Nickliss
Seat 4	Pawan Mehra	Seat 11	Marjorie Ann Williams
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Seat 7	Sue Cauthen		

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force Office, Room 244.

Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of March 10, 2004 and March 23, 2004. (Donna Hall) (action item) (5 min)

2. Sunshine Ordinance Task Force proposed amendments to the Sunshine Ordinance. (discussion & possible action)

3. Public comment for items not listed on the agenda. (no action)

Adjournment **Next Regular Meeting April 27, 2004**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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2.	City responds	5 minutes
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Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to
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Board of Supervisors
Sunshine Ordinance Task Force

April 07, 2004 Special Meeting - CANCELLED

SUNSHINE ORDINANCE TASK FORCE

AGENDA

SPECIAL MEETING

Wednesday, April 7, 2004
5:00 p.m., City Hall, Room 406

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Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
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Seat 3	Richard Knee	Seat 10	Alexandra Nickliss
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Call to Order

Roll Call
Agenda Changes

1. Approval of minutes of March 10, 2004 and March 23, 2004. (Donna Hall) (action item) (5 min)

2. Sunshine Ordinance Task Force proposed amendments to the Sunshine Ordinance. (discussion & possible action)

3. Public comment for items not listed on the agenda. (no action)

Adjournment **Next Regular Meeting April 27, 2004**

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MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

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SUNSHINE ORDINANCE TASK FORCE

AGENDA

SPECIAL MEETING

Wednesday, April 14, 2004
6:00 p.m., City Hall, Room 406

Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
Seat 2	Bruce Brugmann	Seat 9	David Parker
Seat 3	Richard Knee	Seat 10	Alexandra Nickliss
Seat 4	Pawan Mehra	Seat 11	Marjorie Ann Williams
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Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of March 10, 2004 and March 23, 2004. (Donna Hall) (action item) (5 min)

2. Sunshine Ordinance Task Force proposed amendments to the Sunshine Ordinance. (discussion & possible action)

3. Public comment for items not listed on the agenda. (no action)

Adjournment **Next Regular Meeting April 27, 2004**

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MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

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Main Library (41)

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SUNSHINE ORDINANCE TASK FORCE

MINUTES*
SPECIAL MEETING

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Wednesday, April 14, 2004
6:00 p.m., City Hall, Room 406

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Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
Seat 2	Bruce Brugmann	Seat 9	David Parker
Seat 3	Richard Knee	Seat 10	Alexandra Nickliss
Seat 4	Pawan Mehra	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	Sue Cauthen		

Note: First name after motion indicates person introducing motion; second name indicates person seconding motion. Motions adopted unanimous except as noted.

Roll Call: **Present**: Dogwill, Knee, Mehra, Comstock, Jenkins, Parker, Nickliss. Absent Brugmann, Sterner, Cauthen, Williams.

1. Approval of minutes of March 10, 2004 and March 23, 2004.

   Public comment from Peter Warfield regarding 3/10/04 minutes.

   Minutes of March 10, 2004 approved as amended regarding Peter Warfield comments in Item #3. (Nickliss/Knee) (Absent: Brugmann, Sterner, Cauthen, Williams)

   Minutes of March 23, 2004 approved as amended with correction of spelling of Joan Girardot in Item #4. (Nickliss/Knee) (Absent: Brugmann, Sterner, Cauthen, Williams)

2. Sunshine Ordinance Task Force proposed amendments to the Sunshine Ordinance.

Discussion held regarding the following sections:

67.3 (d) adding a "any body appointed by the Mayor for the purpose of creating policy."

Motion adopted changing the name of the Task Force to "Commission for Open Government." (Comstock/Knee) (Absent: Brugmann, Sterner, Cauthen, Williams)

Member Cauthen requested wording be included regarding outlining a department's response to a public records request. Motion introduced to include wording as such. (Comstock/Nickliss) (Ayes: Comstock) (Noes: Dogwill, Knee, Mehra, Jenkins, Parker, Nickliss) (Absent: Brugmann, Sterner, Cauthen, Williams) The motion failed.

Section 67.21 (i) to take our "elected public official." (Comstock/Nickliss) (Ayes: Dogwill, Knee, Mehra, Comstock, Nickliss) (Noes: Jenkins, Parker) The motion carried. (Absent: Brugmann, Sterner, Cauthen, Williams) (This particular sentence was moved to 67.29-1.)

67.39 (d) adding wording of "evidence of violation."

67.13 (f) changing word "shall to may."

Public comment from David Pilpel regarding his support of bridge lines.

Motion adopted changing the word shall to may, i.e., "may provide for participation...." (Parker/Dogwill) (Absent: Brugmann, Sterner, Cauthen, Williams)

67.30 (e) regarding budget figure of $50,000.

Public comment from David Pilpel regarding conflict with charter provisions.

Public comment from Peter Warfield regarding needing enforcement provision and the publicity value of an action of this sort; questioned 2/3's vote.

Motion adopted adding 67.30 (g) regarding 2/3's vote and (i) regarding "the Commission shall possess such powers..." (Comstock/Nickliss) (Absent: Brugmann, Sterner, Cauthen, Williams)

67.21 (i) moved to 67.29-1.

67.32 word "benefits" added.

Public comment from David Pilpel regarding meaningful language.

Motion introduced to accept the ordinance change document as submitted at this meeting and after adding the changes of this meeting. (Comstock/Nickliss)

Public comment from Peter Warfield regarding 67.9 (a). Task Force agreed to add "48 hours" to this section. Mr. Warfield referenced Sections 67.22 (c) regarding sections "obtaining records under sections 67.24 and 67.25 of this Ordinance." Wording changed to read "obtaining records under sections 67.21 (a), (b), and (c) and 67.25 of this Ordinance."

Public comment from David Pilpel regarding the proposed document stating he believed the Task Force has not carefully weighted the burdens on the city with regard to the changes and would vote against sending this package to the Board.

-- Member Mehra left the meeting at this time.

Vote on the motion: Passed unanimously. (Absent: Brugmann, Sterner, Cauthen, Williams, Mehra)

Chair Jenkins commended the Chair Knee and the Compliance & Amendments Committee for their work on these amendments. Committee Chair Knee commended Deputy City Attorney Llorente and Administrator Hall for their work on the amendments.

3. Public comment for items not listed on the agenda.

Public comment from Peter Warfield regarding the work the Task Force has done on the amendments.

Public comment from David Pilpel regarding the work the Task Force has done on the amendments.

The meeting adjourned at 8:15 p.m.

Submitted by Donna L. Hall, Administrator

*The 4/14/04 Special Meeting of the Sunshine Ordinance Task Force has been recorded and is on file in the office of the Sunshine Ordinance Task Force.

Sunshine Ordinance Task Force

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SUNSHINE ORDINANCE TASK FORCE

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AGENDA

SPECIAL MEETING

Thursday, April 22, 2004
4:00 p.m., City Hall, Room 406

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4/22/04
special

Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
Seat 2	Bruce Brugmann	Seat 9	David Parker
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Call to Order
Roll Call
Agenda Changes

1. Report from Complaint Committee. (Doug Comstock) (action items) (10 min)

   A. Draft minutes of Complaint Committee meeting of 4/13/04, (information item)

   B. Jurisdiction of complaint of Peter Warfield against the Public Library for alleged failure to provide requested information relating to RSI related employee injuries/problems. (action item)

   C. Jurisdiction of complaint of Peter Warfield against the Public Library for alleged failure to provide complete requested information regarding the RFID forum in a timely manner. (action item)

D. Jurisdiction of complaint of Peter Warfield against the Library Commission for alleged failure to provide requested information regarding audio and videotapes of a commission meeting in a timely manner. (action item)

E. Jurisdiction of complaint of Peter Warfield against the Library Commission for alleged failure to provide requested information regarding draft minutes in a timely manner. (action item)

2. Public hearing, complaint of Peter Warfield against the Public Library for alleged failure to provide requested information relating to RSI related employee injuries/problems. (action item)

3. Public hearing, complaint of Peter Warfield against the Public Library for alleged failure to provide complete requested information regarding the RFID forum in a timely manner. (action item)

4. Public hearing, complaint of Peter Warfield against the Library Commission for alleged failure to provide requested information regarding audio and videotapes of a commission meeting in a timely manner. (action item)

5 Public hearing, complaint of Peter Warfield against the Library Commission for alleged failure to provide requested information regarding draft minutes in a timely manner. (action item)

6. Public comment for items not listed on the agenda. (no action)

Adjournment **Next Regular Meeting April 27, 2004**

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MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

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SUNSHINE ORDINANCE TASK FORCE

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MINUTES
SPECIAL MEETING

Thursday, April 22, 2004
4:00 p.m., City Hall, Room 406

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Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
Seat 2	Bruce Brugmann	Seat 9	David Parker
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Seat 7	Sue Cauthen		

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The meeting convened at 4:04 p.m.

Roll Call: Present: Brugmann, Cauthen, Comstock, Knee, Nickliss, Sterner, Williams; Absent: Dogwill, Mehra, Jenkins, Parker

1. Report from Complaint Committee. (Doug Comstock)

   A. Draft minutes of Complaint Committee meeting of 4/13/04.

      Chair Comstock reported on the Complaint Committee meeting of April 13, 2004.

   B. Jurisdiction of complaint of Peter Warfield against the Public Library for alleged failure to provide requested information relating to RSI related employee injuries/problems.

   C. Jurisdiction of complaint of Peter Warfield against the Public Library for alleged failure to provide complete requested information regarding the RFID forum in a timely manner.

D. Jurisdiction of complaint of Peter Warfield against the Library Commission for alleged failure to provide requested information regarding audio and videotapes of a commission meeting in a timely manner.

E. Jurisdiction of complaint of Peter Warfield against the Library Commission for alleged failure to provide requested information regarding draft minutes in a timely manner.

Motion adopted to accept jurisdiction of Mr. Peter Warfield's complaints against the Library Commission (Brugmann/Cauthen) (Ayes: Brugmann, Sterner, Comstock, Cauthen, Nickliss, Williams) (Absent: Dogwill, Knee, Mehra, Jenkins, Parker)

Public comment from Mr. Peter Warfield supporting the motion to accept jurisdiction of all complaints together.

2. Public hearing, complaint of Peter Warfield against the Public Library for alleged failure to provide requested information relating to RSI related employee injuries/problems.

Mr. Peter Warfield spoke in support of his complaint.

Mr. Michael Housh, Custodian of Records for the San Francisco Public Library spoke in support of the Public Library.

Member Knee entered the meeting at this time.

Motion adopted approving the following Order of Determination: (Comstock/Brugmann) (Ayes: Brugmann, Cauthen, Comstock, Knee, Nickliss, Williams) (Noes: Sterner) (Absent: Dogwill, Jenkins, Mehra, Parker)

After consideration of testimony from Complainant Peter Warfield and from Mike Housh, representing the Public Library, the Sunshine Ordinance Task Force finds the Public Library was in violation of Sunshine Ordinance Sections 67.21(c), (must provide assistance in providing records in the department's control); and 67.24(i), (must provide statutory provisions which would exempt documents from disclosure).

3. Public hearing, complaint of Peter Warfield against the Public Library for alleged failure to provide complete requested information regarding the RFID forum in a timely manner.

Mr. Peter Warfield spoke in support of his complaint.

Mr. Michael Housh, Custodian of Records for the San Francisco Public Library spoke in support of the Public Library.

Motion to dismiss complaint failed (Comstock/Sterner) (Ayes: Williams, Comstock, Knee, Sterner, Nickliss) (Noes: Brugmann, Cauthen) (Absent: Dogwill, Jenkins, Mehra, Parker). Re-vote to be taken at the April 27, 2004 Sunshine Ordinance Task Force meeting.

4. Public hearing, complaint of Peter Warfield against the Library Commission for alleged failure to provide requested information regarding audio and videotapes of a commission meeting in a timely manner.

   Mr. Peter Warfield spoke in support of his complaint.

   Mr. Michael Housh, Custodian of Records for the San Francisco Public Library spoke in support of the Public Library.

   Motion for Member Cauthen to be allowed to recuse herself failed. (Sterner/Williams) (Ayes: Cauthen, Nickliss, Sterner) (Noes: Brugmann, Comstock, Knee, Williams) (Absent: Dogwill, Jenkins, Mehra, Parker)

   Member Sterner left the meeting at this time.

   Motion to call the question adopted (Comstock/Knee) (Ayes: Brugmann, Knee, Comstock, Cauthen, Nickliss, Williams) (Absent: Dogwill, Jenkins, Mehra, Parker, Sterner)

   Member Williams left the meeting at this time.

   The meeting lost a quorum. Decision on this item continued to the 4/27/04 meeting.

5. Public hearing, complaint of Peter Warfield against the Library Commission for alleged failure to provide requested information regarding draft minutes in a timely manner.

   Lack of quorum. Item to be heard at the 4/27/04 meeting.

6. Public comment for items not listed on the agenda.

   No public comment heard due to a lack of quorum.

The meeting adjourned at 5:45 p.m. due to a lack of quorum.

Submitted by Donna L. Hall, Administrator

*The 4/22/04 Special Meeting of the Sunshine Ordinance Task Force has been recorded and is on file in the office of the Sunshine Ordinance Task Force.

Sunshine Ordinance Task Force

City Hall
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SUNSHINE ORDINANCE TASK FORCE

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AGENDA

Tuesday, April 27, 2004
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Pawan Mehra	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	David Pilpel		

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force Office, Room 244.

Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of April 14, 2004. (Donna Hall) (action item) (5 min)

2. Certificate of commendation to Bruce Brugmann. (Garrett Jenkins) (discussion item) (5 min)

3. Report from Compliance & Amendments Committee meeting of April 14, 2004. (Richard Knee) (discussion & possible action item) (10 min)

   --Draft minutes of April 14, 2004 (information item)

4. Administrator's Report for April. (Donna Hall) (discussion item) (5 min)

5. Public comment for items not listed on the agenda. (no action) (10 min)

6. Future agenda items. (discussion item) (5 min)

Adjournment **Next Regular Meeting May 25, 2004**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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2.	City responds	5 minutes
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Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to
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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Donna Hall by mail to Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415 554 7724; by fax at 415 554 7854; or by email at Donna.Hall@sfgov.org.

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SUNSHINE ORDINANCE TASK FORCE

AMENDED AGENDA

Tuesday, April 27, 2004
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Pawan Mehra	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	David Pilpel		

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Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of April 14, 2004. (Donna Hall) (action item) (5 min)

2. Certificate of commendation to Bruce Brugmann. (Garrett Jenkins) (discussion item) (5 min)

3. Report from Compliance & Amendments Committee meeting of April 14, 2004. (Richard Knee) (discussion & possible action item) (10 min)

   --Draft minutes of April 14, 2004 (information item)

4. Administrator's Report for April. (Donna Hall) (discussion item) (5 min)

5. Re-vote on the complaint of Peter Warfield against the Public Library for alleged failure to provide complete requested information regarding the RFID forum in a timely manner. (action item)

6. Vote on the complaint of Peter Warfield against the Library Commission for alleged failure to provide requested information regarding audio and videotapes of a commission meeting in a timely manner. (action item)

7. Public hearing, complaint of Peter Warfield against the Library Commission for alleged failure to provide requested information regarding draft minutes in a timely manner. (action item)

8. Public comment for items not listed on the agenda. (no action) (10 min)

9. Future agenda items. (discussion item) (5 min)

Adjournment **Next Regular Meeting May 25, 2004**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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2.	City responds	5 minutes
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Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

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SUNSHINE ORDINANCE TASK FORCE

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MINUTES

Tuesday, April 27, 2004
4:00 p.m., City Hall, Room 408

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1/27/04

Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
Seat 2	Bruce Brugmann	Seat 9	David Parker
Seat 3	Richard Knee	Seat 10	Alexandra Nickliss
Seat 4	Pawan Mehra	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	Sue Cauthen		

Note: First name after motion indicates person introducing motion; second name indicates person seconding motion. Motions adopted unanimously except as noted.

Meeting called to order at 4:00 p.m.

Roll call: Present: Knee, Sterner, Comstock, Brugmann, Jenkins, Parker, Nickliss, Williams. Absent: Dogwill, Cauthen, Mehra

Agenda Changes: Item #2 moved to the end of the agenda.

1. Approval of minutes of April 14, 2004.

   Minutes approved. (Nickliss/Parker) (Absent: Dogwill, Cauthen, Mehra)

3. Report from Compliance & Amendments Committee meeting of April 14, 2004.

   --Draft minutes of April 14, 2004 (information item)

   Chair Knee reported on the meeting of April 14, 2004.

   Suggested ordinance amendments to be placed on the next meeting agenda.

4. Administrator's Report for April.

   Administrator Hall submitted written report.

5. Re-vote on the complaint of Peter Warfield against the Public Library for alleged failure to provide complete requested information regarding the RFID forum in a timely manner.

   Member Brugmann agreed to have a revote on this item from the last meeting.

   Motion to dismiss the complaint. (Comstock/Sterner) (Ayes: Knee, Sterner, Parker, Nickliss) (Noes: Comstock, Brugmann, Williams) (Absent: Dogwill, Cauthen, Mehra) (Jenkins not able to vote since he was not at the last meeting and did not listen to the tape of the meeting.) The motion failed due to lack of a majority of the members voting in favor of the motion.

   Public comment from Peter Warfield in support of his complaint.
   Public comment from Luella Harris requesting clarification of the motion.

   A letter will be sent to the Public Library stating no formal action was taken on this complaint and urging the Public Library to be as diligent and expeditious as possible in providing information regarding upcoming forums and events.

6. Vote on the complaint of Peter Warfield against the Library Commission for alleged failure to provide requested information regarding audio and videotapes of a commission meeting in a timely manner.

   Motion introduced to dismiss this complaint. (Parker/Sterner) (Ayes: Sterner, Parker) (Noes: Knee, Comstock, Brugmann, Nickliss, Williams) (Absent: Dogwill, Cauthen, Mehra) (Jenkins not able to vote since he was not at the last meeting and did not listen to the tape of the meeting.) The motion failed.

   Motion introduced finding the Library Commission in violation of Sunshine Ordinance Sections 67.21 (a) and (b), (process for gaining access to public records); and 67.14 (b), (audio recording of meetings). (Comstock/Brugmann) (Ayes: Knee, Comstock, Brugmann, Nickliss, Williams.) (Noes: Sterner, Parker) (Absent: Dogwill, Cauthen, Mehra) (Jenkins not able to vote since he was not at the last meeting and did not listen to the tape of the meeting.) The motion failed due to lack of a majority of the members voting in favor of the motion.

7. Public hearing, complaint of Peter Warfield against the Library Commission for alleged failure to provide requested information regarding draft minutes in a timely manner.

   Complainant Peter Warfield addressed the Task Force in support of his complaint.

   Mike Housh, representing the Library Commission, spoke in opposition to the complaint.

   Motion introduced to dismiss this complaint. (Parker/Nickliss) (Ayes: Parker) (Noes: Knee, Sterner, Comstock, Brugmann, Jenkins, Nickliss, Williams) (Absent: Dogwill, Cauthen, Mehra) The motion failed.

Motion adopted approving the following Order of Determination: (Brugmann/Nickliss) (Ayes: Knee, Sterner, Comstock, Brugmann, Jenkins, Nickliss, Williams) (Noes: Parker) (Absent: Dogwill, Cauthen, Mehra).

After consideration of testimony from Complainant Peter Warfield and from Mike Housh, representing the Library Commission, the Sunshine Ordinance Task Force finds the Library Commission was in violation of Sunshine Ordinance Section 67.16 (submittal of draft minutes in a timely manner).

8. Public comment for items not listed on the agenda.

   Peter Warfield addressed the Task Force stating his reasons for appearing before the Task Force and his strong interest in issued regarding the Public Library.

9. Future agenda items.

   Update from the Unified School District regarding the Sunshine Ordinance.
   Update from the City College Board regarding the Sunshine Ordinance.

   Public comment from David Pilpel regarding City College meeting.

2. Certificate of commendation to Bruce Brugmann.

   Chair Jenkins presented Certificate of Commendation from the Board of Supervisors.

The meeting adjourned at 6:25 p.m.

Donna L. Hall, Administrator

The 4/27/04 meeting of the Sunshine Ordinance Task Force has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force.

Sunshine Ordinance Task Force

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SUNSHINE ORDINANCE TASK FORCE

AGENDA

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Tuesday, May 25, 2004
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Pawan Mehra	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	David Pilpel		

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Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of March 17, April 22, April 27, 2004. (Donna Hall) (action item) (5 min)

   A. March 17, 2004
   B. April 22, 2004
   C. April 27, 2004

2. Election of Officers (10 min) (action item)

   A. Chair
   B. Vice Chair

3. Report from the Public Education & Information Committee. (David Parker) (5 min)

   A. Draft minutes of April 27, 2004. (information item)
   B. Recommendation to hold meetings of the Public Education & Information Committee on call. (action item)

4. Report from the Complaint Committee meeting of May 11, 2004. (Doug Comstock) (10 min)

   A. Draft minutes of May 11, 2004. (information item)

   B. Recommendation to approve jurisdiction regarding complaint of Anthony Imperial against the War Memorial & Performing Arts Center for alleged failure to provide complete information. (action item)

   C. Recommendation to approve jurisdiction regarding complaint of Matthew Brennan against Supervisor Gonzalez' Office for alleged failure to provide complete information. (action item)

5. Report from Compliance & Amendments Committee meeting of May 12, 2004. (Richard Knee) (discussion & possible action item) (10 min)

   A. Draft minutes of May 12, 2004 (information item)

   B. New complaint of Peter Warfield against the Public Library referred to full Task Force from Compliance & Amendments Committee. (information item)

6. Update from the Unified School District regarding the Sunshine Ordinance. (discussion item) (Doug Comstock) (5 min)

7. Public hearing, complaint of Anthony Imperial against the War Memorial & Performing Arts Center for alleged failure to provide complete information. (action item) (20 min)

8. Public hearing, complaint of Matthew Brennan against Supervisor Gonzalez' Office for alleged failure to provide complete information. (action item) (20 min)

9. Public hearing, complaint of Peter Warfield against the Public Library for alleged failure to provide public records. (action item) (20 min)

10. Discussion regarding departments' failure to submit sole source contract information. (discussion and possible action) (20 min)

11. Discussion regarding suggested amendments to the Sunshine Ordinance. (discussion and possible action) (30 min)

12. Administrator's Report for April. (Donna Hall) (discussion item) (5 min)

13. Public comment for items not listed on the agenda. (no action) (10 min)

14. Suggested future agenda items from the Task Force. (discussion item) (5 min)

Adjournment **Next Regular Meeting June 22, 2004**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

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3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

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SUNSHINE ORDINANCE TASK FORCE

MINUTES

Tuesday, May 25, 2004
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Nicole Dogwill	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	David Pilpel		

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Call to Order at 4:00 p.m.

Roll Call: **Present**: Knee, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Parker, Nickliss, Williams. Absent: Dogwill

Agenda Changes: None

1. Approval of minutes of March 17, April 22, April 27, 2004. Motion adopted approving minutes as amended: (Knee/Parker) (Absent: Dogwill)

   A. March 17, 2004. Spelling amendment.
   B. April 22, 2004. Vote on Item #3: (Comstock/Sterner) (Ayes: Williams, Comstock, Knee, Sterner, Nickliss) (Noes: Brugmann, Cauthen) (Absent: Dogwill, Jenkins, Mehra, Parker).
   C. April 27, 2004. Spelling amendment.

-- New Member Pilpel addressed the Task Force stating his reasons for applying to the Task Force.

2. Election of Officers (10 min) (action item)

   A. Chair

Member Knee nominated Member Nickliss for Chair. Member Parker nominated Member Jenkins for Chair. Votes for Nickliss: Knee, Comstock, and Nickliss. Votes for Jenkins: Cauthen, Sterner, Pilpel, Jenkins, Parker, Williams. (Absent: Dogwill) Member Jenkins elected Chair.

B. Vice Chair

Member Williams nominated Member Nickliss for Vice Chair. Member Jenkins nominated Member Parker for Vice Chair. Votes for Nickliss: Knee, Cauthen, Sterner, Comstock, Pilpel, Nickliss, Williams. Votes for Parker: Jenkins, Parker. (Absent: Dogwill) Member Nickliss elected Vice Chair.

3. Report from the Public Education & Information Committee.

   A. Draft minutes of April 27, 2004.
   B. Recommendation to hold meetings of the Public Education & Information Committee on call.

Chair Parker reported on meeting of April 27, 2004.

Public comment from Peter Warfield requesting the Public Education & Information Committee have regular meeting times.

Motion introduced to have the Public Education & Information Committee meet on call. (Parker/Knee) (Ayes: Sterner, Comstock, Jenkins, Parker, Williams) (Noes: Knee, Cauthen, Pilpel, Nickliss). (Absent: Dogwill) The motion failed. For passage the motion required six aye votes.

4. Report from the Complaint Committee meeting of May 11, 2004.

   A. Draft minutes of May 11, 2004.

   B. Recommendation to approve jurisdiction regarding complaint of Anthony Imperial against the War Memorial & Performing Arts Center for alleged failure to provide complete information.

   C. Recommendation to approve jurisdiction regarding complaint of Matthew Brennan against Supervisor Gonzalez' Office for alleged failure to provide complete information.

Chair Comstock reported on meeting of May 11, 2004.

Motion adopted approving jurisdiction of the complaints of Anthony Imperial and Matthew Brennan. (Comstock/Cauthen) (Absent: Dogwill)

5. Report from Compliance & Amendments Committee meeting of May 12, 2004.

   A. Draft minutes of May 12, 2004.

B. New complaint of Peter Warfield against the Public Library referred to full Task Force from Compliance & Amendments Committee.

Member Knee reported on the meeting of May 12, 2004.

Public comment from Peter Warfield regarding his previous two complaints and the lack of follow-up from the Library on the Order of Determination; confusion regarding procedures for the complaint on the agenda for this meeting.

13. Public comment for items not listed on the agenda.

Public comment from Peter Warfield regarding Library Commission President remarks of 5/20/04. Mr. Warfield submitted a letter to the Task Force and requested the letter be distributed to Task Force Members at this meeting.

Public comment from Louella Harris stating Mr. Warfield's request was new information.

Public comment from male speaker regarding Taxi Commission disbanding.

Chair Jenkins stated Mr. Warfield's request to distribute the letter was not proper procedure, and the letter would not be distributed.

Motion adopted to overrule the Chair decision to not distribute the letter. (Comstock/Cauthen) (Ayes: Knee, Cauthen, Comstock, Pilpel, Nickliss, Williams) (Noes: Sterner, Jenkins, Parker) (Absent: Dogwill). The motion carried. The letter was distributed to the members.

6. Update from the Unified School District regarding the Sunshine Ordinance.

Member Comstock gave an update of a meeting he and Member Nickliss had with the School District. The School District and Task Force will begin ad hoc meetings regarding the School District adopting the Sunshine Ordinance.

-- The meeting recessed for five minutes.

7. Public hearing, complaint of Anthony Imperial against the War Memorial & Performing Arts Center for alleged failure to provide complete information.

By telephone Mr. Imperial addressed the Task Force in support of his complaint. Mr. Imperial stated the War Memorial redacted addresses and telephone numbers from a public records request he had made.

Gregory Ridenour, War Memorial, addressed the Task Force in opposition to the complaint stating the War Memorial lawfully redacted the private residence address and telephone information on its license agreement forms; they have updated and revised its short term license agreement cover sheets so that individuals and individual representatives of non-profit organizations or community

groups may designate a public mailing address, email address, telephone number or fax number on the form.

Adine Varah, Deputy City Attorney, addressed the Task Force stating the burden on the right to privacy outweighs the public interest served by disclosure because the private home addresses and phone numbers of War Memorial licensees are unrelated the Agency's performance of its duties.

Public comment from male speaker asking if this issue had been referred for legal action.

Motion introduced to dismiss this complaint. (Parker/Sterner) (Ayes: Sterner, Jenkins, Parker) (Noes: Knee, Cauthen, Comstock, Pilpel, Nickliss, Williams) (Absent: Dogwill). The motion failed.

Motion introduced finding the War Memorial in violation of Section 67.24 (i) of the Sunshine Ordinance in not releasing personal addresses and telephone numbers. (Comstock/Nickliss) (Ayes: Knee, Cauthen, Comstock, Pilpel, Williams) (Noes: Sterner, Jenkins, Parker, Nickliss) (Absent: Dogwill). The motion failed. For passage the motion required six aye votes.

Motion adopted that the Chair send a letter to the War Memorial and Performing Arts Center on behalf of the Task Force requesting the War Memorial be more "sunshine oriented" and be more helpful to Mr. Imperial in his request to obtain public information. (Pilpel/Williams) (Ayes: Knee, Cauthen, Sterner, Pilpel, Jenkins, Parker, Nickliss, Williams) (Noes; Comstock) (Absent: Dogwill)

-- Member Cauthen left the meeting at this time.

8. Public hearing, complaint of Matthew Brennan against Supervisor Gonzalez' Office for alleged failure to provide complete information.

Public hearing continued to the next meeting.

9. Public hearing, complaint of Peter Warfield against the Public Library for alleged failure to provide public records.

Motion adopted approving jurisdiction of this complaint. (Comstock/Parker) (Absent: Dogwill, Cauthen)

Member Pilpel reported under San Francisco Campaign & Governmental Conduct Code Section 3.214 (a) that he is a personal friend of Michael Housh, Library Custodian of Records/Commission Secretary. Member Pilpel stated he did not feel this would hinder his determination of this complaint. The Task Force agreed.

-- Member Williams left the meeting at this time.

Motion adopted continuing this public hearing to the next meeting. (Pilpel/Comstock) (Absent: Dogwill, Cauthen, Williams)

10. Discussion regarding departments' failure to submit sole source contract information.

    Public comment from Peter Warfield stating the broad powers of Section 67.30 of the Sunshine Ordinance.

    Motion adopted that the Task Force send a letter to the Board of Supervisors reminding them of this provision and asking them to have this part of the budget process and request departments to provide information pursuant to this ordinance provision. (Parker/Knee) (Absent: Dogwill, Cauthen, Williams)

11. Discussion regarding suggested amendments to the Sunshine Ordinance.

    Public comment from Peter Warfield regarding having appointments to the Task Force made through the Board of Supervisors.

    Motion adopted to send a letter to the Board of Supervisors stating the Task Force wishes the appointing authority for appointments to the Task Force to remain with the Board of Supervisors. (Knee/Nickliss) (Ayes: Knee, Sterner, Comstock, Jenkins, Parker, Nickliss) (Noes: Pilpel) (Absent: Dogwill, Cauthen, Williams)

12. Administrator's Report for April.

    Report submitted.

    Public comment from Peter Warfield regarding emergency procedures for the public.

14. Suggested future agenda items from the Task Force.

    Member Pilpel requested the Task Force address the issue of the Sunshine Ordinance relative to the Mayor's budget proposal.

The meeting adjourned at 8:10 p.m.

Donna L. Hall, Administrator

*The 5/25/04 Sunshine Ordinance Task Force meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force.

Sunshine Ordinance Task Force

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7724
Fax No. 554-7854
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http://www.sfgov.org/sunshine/

SUNSHINE ORDINANCE TASK FORCE

AGENDA

DOCUMENTS DEPT.
JUN 17 2004
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, June 22, 2004
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Vacant	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	David Pilpel		

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force Office, Room 244.

Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of May 25, 2004. (Donna Hall) (action item) (5 min)

2. Report from City Administrator on progress of Index of Records. (Jill Lerner) (information item) (15 min)

3. Report from the Public Education & Information Committee. (David Parker) (10 min)

   -- Draft minutes of June 10, 2004. (information item)

4. Report from the Complaint Committee meeting of June 8, 2004. (Doug Comstock) (10 min)

   A. Draft minutes of June 8, 2004. (information item)

   B. Recommendation to approve jurisdiction regarding complaint of Jane Martin against the Public Utilities Commission for alleged failure to release requested information (action item)

C. Recommendation to approve jurisdiction regarding complaint of John Darmanin against the Fire Commission for alleged failure to allow public comment; failure to disclose closed session information; failure to provide minutes within the time line; failure to produce redacted transcripts. (action item)

5. Report from Compliance & Amendments Committee meeting of June 9, 2004. (Richard Knee) (discussion & possible action item) (10 min)

   A. Draft minutes of June 9, 2004 (information item)

   B. Recommendation that the Task Force re-hear portions of February 24, 2004 complaint of John Kelly against the Department of Building Inspection with regard to documents that were destroyed. (action item)

   C. Jurisdiction of complaint of Peter Warfield against the Public Library alleging the Library violated the Sunshine Ordinance by not providing all the requested materials that were in the possession of the Library and by not citing the statutory sections and case law authority for its non-disclosure. (action item)

6. Public hearing, continued from 5/25/04, complaint of Matthew Brennan against Supervisor Gonzalez' Office for alleged failure to provide complete information. (action item) (20 min)

7. Public hearing, complaint of Jane Martin against the Public Utilities Commission for alleged failure to release requested information. (action item) (20 min)

8. Public hearing, complaint of John Darmanin against the Fire Commission for alleged failure to allow public comment; failure to disclose closed session information; failure to provide minutes within the time line; failure to produce redacted transcripts. (action item) (20 min)

9. Public hearing, continued from 5/25/04, 5/4/04 complaint of Peter Warfield against the Public Library for alleged failure to provide public records used as the basis for, or supports, the Library's public statements and year 2004 prepared documents concerning RSI problems of employees, excluding personally identifiable information. (action item) (20 min)

10. Public hearing, 6/1/04 complaint of Peter Warfield against the Public Library alleging the Library violated the Sunshine Ordinance by not providing all the requested materials that were in the possession of the Library and by not citing the statutory sections and case law authority for its non-disclosure. (action item) (20 min)

11. Recommendation that the Task Force re-hear portions of February 24, 2004 complaint of John Kelly against the Department of Building Inspection with regard to documents that were destroyed. (action item)

12. Update regarding Board of Supervisors motion for proposed changes to the Sunshine Ordinance. (information and possible action item) (10 min)

13. Clerk of the Board policy of no longer providing subscription service for agendas. (information and possible action item) (10 min)

14. Administrator's Report for June. (Donna Hall) (discussion item) (5 min)

15. Public comment for items not listed on the agenda. (no action) (10 min)

16. Suggested future agenda items from the Task Force. (discussion item) (5 min)

Adjournment **Next Regular Meeting July 27, 2004**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

1.	Complainant presents his/her facts and evidence	5 minutes
	Other parties present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to
If a speaker is interrupted by questions, the interruption does not count against his/her time.

Disability Access: The hearing room is wheelchair accessible.

Chemical-Based Products: In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Cell phones, pagers and similar sound-producing electronic devices : The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Donna Hall by mail to Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415 554 7724; by fax at 415 554 7854; or by email at Donna.Hall@sfgov.org.

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Sunshine Ordinance Task Force

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SUNSHINE ORDINANCE TASK FORCE

MINUTES*

DOCUMENTS DEPT.
JUL 29 2004
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, June 22, 2004
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Vacant	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	David Pilpel		

Note: First name indicates member making motion; second name indicates member seconding motion. All motions passed unanimously except as noted.

Call to Order: 4:10 p.m.
Roll Call: **Present**: Knee, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Nickliss, Williams. Absent: Parker

Agenda Changes: Item #6 continued to a future meeting; Item #9 to be considered after Item #6; Item #12 removed.

1. Approval of minutes of May 25, 2004.

   Public comment from Peter Warfield regarding suggested amendments to the minutes.

   Minutes approved. (Nickliss/Williams) (Absent: Parker)

2. Report from City Administrator on progress of Index of Records.

   Jill Lerner and Richard Isen reported to the Task Force stating there are only three outstanding departments who have not placed their Index of Records on the web—Police Department, Office of Citizen Complaints, Port Authority.

   Public comment from Peter Warfield commending the City Administrator's Office for their work on the Index of Records.

3. Report from the Public Education & Information Committee.

   -- Draft minutes of June 10, 2004.

   Committee Member Pilpel reported to the Task Force the meeting of June 10, 2004.

4. Report from the Complaint Committee meeting of June 8, 2004.

   A. Draft minutes of June 8, 2004.

   Committee Chair Comstock reported on Committee meeting of June 8, 2004.

   B. Recommendation to approve jurisdiction regarding complaint of Jane Martin against the Public Utilities Commission for alleged failure to release requested information.

   Jurisdiction approved. (Comstock/Nickliss) (Absent: Parker)

   C. Recommendation to approve jurisdiction regarding complaint of John Darmanin against the Fire Commission for alleged failure to allow public comment; failure to disclose closed session information; failure to provide minutes within the time line; failure to produce redacted transcripts.

   Jurisdiction approved. (Cauthen/Knee) (Absent: Parker)

5. Report from Compliance & Amendments Committee meeting of June 9, 2004.

   A. Draft minutes of June 9, 2004.

   Committee Chair Knee reported on meeting of June 9, 2004. Chair Knee stated the proposed amendments were being moved forward by Supervisor Daly. Member Pilpel stated he continues to oppose the current set of amendments.

   B. Recommendation that the Task Force re-hear portions of February 24, 2004 complaint of John Kelly against the Department of Building Inspection with regard to documents that were destroyed.

   Re-hearing approved. (Knee/Cauthen) (Ayes: Knee, Cauthen, Sterner, Comstock, Jenkins, Nickliss, Williams) (Noes: Pilpel) (Absent: Parker)

   C. Jurisdiction of complaint of Peter Warfield against the Public Library alleging the Library violated the Sunshine Ordinance by not providing all the requested materials that were in the possession of the Library and by not citing the statutory sections and case law authority for its non-disclosure.

   Public comment from Peter Warfield stating his appreciation to hear this

complaint before the full Task Force.

Member Pilpel stated he is a personal friend of Michael Housh of the Public Library.

Jurisdiction approved. (Knee/Comstock) (Absent: Parker)

6. Public hearing, continued from 5/25/04, complaint of Matthew Brennan against Supervisor Gonzalez' Office for alleged failure to provide complete information.

This item continued to the July or August meeting of the Task Force.

-- At this time Item #9 was to be considered; the representative from the Public Library was not yet in attendance. Member Pilpel left the meeting to contact the Public Library representative. Member Williams stated her opposition to having a member of the Task Force contact the Public Library representative during the meeting.

15. Public comment for items not listed on the agenda.

Public comment from John Darmanin requesting the Task Force proceed with items as listed on the agenda.

Public comment from Peter Warfield stating he has been appointed to the Library Citizens Advisory Committee.

7. Public hearing, complaint of Jane Martin against the Public Utilities Commission for alleged failure to release requested information.

Complainant did not appear. Administrator to contact Complainant for status of this complaint.

8. Public hearing, complaint of John Darmanin against the Fire Commission for alleged failure to allow public comment; failure to disclose closed session information; failure to provide minutes within the time line; failure to produce redacted transcripts.

Complainant John Darmanin addressed the Task Force in support of his complaint stating the meeting began at 4:00 p.m. instead of 4:30 p.m. as posted. Lorie Kalos, Fire Department, addressed the Task Force, addressing the issues in Mr. Darmanin's complaint stating personnel issue meetings have different guidelines than regular meetings.

Order of Determination adopted as follows: (Sterner/Comstock)

The Task Force finds the Fire Commission in violation of the following sections of the Sunshine Ordinance:

Section 67.15 (a), (b) & (c). Public Testimony: Not allowing Mr. Darmanin to give public comment at the May 13, 2004 Fire Commission meeting.

Section 67.12 (a), (b) (4) & (d). Disclosure of Closed Session Discussions and Actions: Written summary of closed session not posted after the May 13, 2004 Fire Commission meeting by the close of business on the next business day following the meeting, in the place where the meeting agendas of the body are posted.

Section 67.16. Minutes: Draft minutes not submitted within ten working days after the meeting; part of transcript of May 13 Special Hearing that was not confidential not submitted within ten working days.

The Task Force requests a response from the Fire Commission to this Order of Determination.

-- The meeting recessed for ten minutes.

9. Public hearing, continued from 5/25/04, 5/4/04 complaint of Peter Warfield against the Public Library for alleged failure to provide public records used as the basis for, or supports, the Library's public statements and year 2004 prepared documents concerning RSI problems of employees, excluding personally identifiable information.

Complainant Peter Warfield addressed the Task Force in support of his complaint. Michael Housh, Public Library, addressed the Task Force in opposition to the complaint.

With respect to Mr. Warfield's complaint filed May 4, 2004 regarding the Library's failure to respond to Complainant's Immediate Disclosure Request of April 23, 2004 asking the Library for information that was used as the basis for, or supports, publicly stated problems and specific statistics on RSI (repetitive stress injuries) costs, excluding any personally identifiable information, the following Order of Determination is adopted:

(1) The Sunshine Ordinance Task Force finds the Public Library in violation of Sunshine Ordinance Section 67.24, Public Information That Must be Disclosed, and Section 67.26, Withholding Kept to a Minimum;

(2) The Sunshine Ordinance Task Force requests a response to this Order of Determination from the Public Library within three weeks.

(Comstock, Knee) Ayes: Knee, Cauthen, Sterner, Comstock, Nickliss, Williams. Noes: Pilpel, Jenkins. Absent: Parker

10. Public hearing, 6/1/04 complaint of Peter Warfield against the Public Library

alleging the Library violated the Sunshine Ordinance by not providing all the requested materials that were in the possession of the Library and by not citing the statutory sections and case law authority for its non-disclosure.

Peter Warfield addressed the Task Force in support of his complaint regarding redaction of information provided to him.

Michael Housh addressed the Task Force in opposition to the complaint stating the Public Library has responded to Mr. Warfield's complaint according to the policies of the Public Library.

Motion introduced to dismiss this complaint. (Sterner/Knee) (Ayes: Sterner, Pilpel) (Noes: Knee, Cauthen, Comstock, Jenkins, Nickliss, Williams) (Absent: Parker) The motion failed.

Order of Determination adopted declaring the Public Library in violation of Sunshine Ordinance Section 67.27, Justification of Withholding, by failing to declare the statutory reasons for redaction of some contact information. (Knee/Nickliss) (Ayes: Knee, Cauthen, Comstock, Jenkins, Nickliss, Williams) (Noes: Sterner, Pilpel) (Absent: Parker)

Motion introduced to dismiss the portion of the complaint regarding redaction of Library Commissioner personal contact information; and to release the personal contact information for the general public. (Cauthen/Sterner) (Ayes: Cauthen, Sterner, Pilpel, Jenkins, Williams) (Noes: Knee, Comstock, Nickliss) (Absent: Parker). The motion failed.

Motion introduced declaring the Public Library violated Sunshine Ordinance Section 67.26 with regard to letters from constituents by redacting personal contact information. (Comstock/Knee) (Ayes: Knee, Cauthen, Comstock, Williams) (Noes: Sterner, Pilpel, Jenkins, Nickliss) (Absent: Parker) The motion failed.

11. Recommendation that the Task Force re-hear portions of February 24, 2004 complaint of John Kelly against the Department of Building Inspection with regard to documents that were destroyed.

John Kelly addressed the Task Force in support of his complaint.

Ken Harrington and Alan Davison, Department of Building Inspection, addressed the Task Force stating the requested documents were no longer available.

Order of Determination adopted finding the Department of Building Inspection had the responsibility to retain the field notes and the Sunshine Ordinance Task Force finds the Department of Building Inspection in violation of Sunshine Ordinance Section 67.29-7 (a) by not keeping the field notes in their possession. (Comstock/Nickliss) (Ayes: Knee, Cauthen, Sterner, Comstock, Jenkins, Nickliss, Williams) (Noes: Pilpel) (Absent: Parker)

Motion adopted to send a letter to the Department of Building Inspection encouraging Jim Hutchinson to re-measure, in a timely manner, 525 5th Street in Mr. Kelly's presence. (Cauthen/Nickliss)

12. Update regarding Board of Supervisors motion for proposed changes to the Sunshine Ordinance.

    Rescheduled to July Task Force meeting.

13. Clerk of the Board policy of no longer providing subscription service for agendas.

    Consensus of the Task Force to send a letter to the Clerk of the Board encouraging the Clerk of the Board Office to provide subscription service to persons requesting Board of Supervisors meeting agendas and Board Committee agendas to be faxed, emailed, or mailed to them; and consider elimination of the fees that are being considered for implementation.

    Public comment from Peter Warfield commending the Task Force for sending this letter.

14. Administrator's Report for June.

    Administrator Hall submitted written report.

16. Suggested future agenda items from the Task Force.

    Board of Appeals subscription services.

The meeting adjourned at 9:20 p.m. Submitted by Donna L. Hall, Administrator

*This meeting has been audio recorded and audiotapes may be obtained from the Sunshine Ordinance Task Force.

Board of Supervisors
Sunshine Ordinance Task Force

July 26, 2004 Special

SUNSHINE ORDINANCE TASK FORCE

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AGENDA

SPECIAL MEETING

Monday, July 26, 2004
4:00 p.m., City Hall, Room 406

Task Force Members

Seat 1	Vacant	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Gloria Young
Seat 7	David Pilpel		

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force Office, Room 244.

Call to Order

Roll Call
Agenda Changes

1. Discussion of Board of Supervisors changes to proposed amendments to the Sunshine Ordinance. (discussion & possible action)

2. Public comment for items not listed on the agenda. (discussion item)

Adjournment **Next Regular Meeting July 27, 2004**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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	Other parties present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each

Above total speaking time for Complainant and City to be the same

3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to
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SUNSHINE ORDINANCE TASK FORCE

MINUTES*

SPECIAL MEETING

Monday, July 26, 2004
4:00 p.m., City Hall, Room 406

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pecial

Task Force Members

Seat 1	Vacant	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
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Seat 7	David Pilpel		

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Note: First name indicates member making motion; second name indicates member seconding motion. All motions passed unanimously except as noted.

Call to Order: 4:05 p.m.

Roll Call: Present: Knee, Cauthen, Sterner, Comstock, Pilpel, Nickliss, Parker.
Absent Jenkins, Williams.

Agenda Changes: None

1. Discussion of Board of Supervisors changes to proposed amendments to the Sunshine Ordinance.

   Task Force Members discussed the proposed changes to the Sunshine Ordinance as last discussed by the Board of Supervisors Rules Committee. The Task Force had objection to a number of the changes in the originally proposed amendments, specifically the addition of an amendment section giving the Board of Supervisors an amendment provision. Bill Barnes from Supervisor Daly's Office addressed the Task Force giving clarification on a number of the changes.

Public comment from Bruce Brugmann urging the Task Force to ask Supervisor Daly to not go forward with this ordinance stating it will dismantle the current ordinance.

Public comment from Lurilla Harris stating she agreed with Mr. Brugmann.

Public comment from Peter Warfield regarding amendments to the Sunshine Ordinance, specifically concerned with the substitution for paper; public comment times; fees.

Motion introduced that the Task Force requests Supervisory Daly to pull this package (Knee/Comstock); and (amendment to the motion agreed by Member Knee (Cauthen/Comstock) pending further scrutiny for consideration at a future time. Ayes: Knee, Cauthen, Sterner, Comstock, Pilpel, Parker, Nickliss. Noes: None. Absent: Jenkins, Williams.

The Task Force Members commended Supervisor Daly and Bill Barnes from Supervisor Daly's Office; Member Comstock; and all Members for their work on the ordinance changes.

2. Public comment for items not listed on the agenda. None

The meeting adjourned at 6:30 p.m.

Submitted by Donna L. Hall, Administrator

* This meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force.

Sunshine Ordinance Task Force

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SUNSHINE ORDINANCE TASK FORCE

AGENDA

Tuesday, July 27 2004
4:00 p.m., City Hall, Room 408

DOCUMENTS DEPT.
JUL 23 2004
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/27/04

Task Force Members

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Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Gloria Young
Seat 7	David Pilpel		

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force Office, Room 244.

Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of June 22, 2004. (Donna Hall) (action item) (5 min)

2. Certificates of Commendation to Pawan Mehra and Nicole Dogwill. (information item) (5 min)

3. Report from Clerk of the Board regarding the Clerk of the Board's organization. (Gloria Young) (information item) (10 min)

4. Report from Compliance & Amendments Committee meeting of July 14, 2004. (Richard Knee) (discussion & possible action item) (10 min)

   --Draft minutes of July 14, 2004 (information item)

5. Report from the Public Education & Information Committee. (David Parker) (10 min)

   --Draft minutes of July 15, 2004. (information item)

6. Report from the Complaint Committee meeting of July 13, 2004. (Doug Comstock) (10 min)

   A. Draft minutes of July 20, 2004. (information item)

   B. Recommendation to approve jurisdiction regarding complaint of John Kelly against the Department of Building Inspection and Department Deputy Director for alleged failure to provide copies of requested records; and for "official misconduct" by willfully failing to provide a response to a records request. (action item)

   C. Recommendation to approve jurisdiction regarding complaint of Matthew Hirsch against the Mayor's Office for alleged failure to provide requested information. (action item)

7. Public hearing, continued from 6/22/04, complaint of Matthew Brennan against Supervisor Gonzalez' Office for alleged failure to provide complete information. (action item) (20 min)

8. Public hearing, continued from 6/22/04, complaint of Jane Martin against the Public Utilities Commission for alleged failure to release requested information. (action item) (20 min)

9. Public hearing, complaint of John Kelly against the Department of Building Inspection and Department Deputy Director for alleged failure to provide copies of requested records; and for "official misconduct" by willfully failing to provide a response to a records request. (action item) (20 min)

10. Public hearing, complaint of Matthew Hirsch against the Mayor's Office for alleged failure to provide requested information. (action item) (20 min

11. Reconsideration of Order of Determination of 6/22/04, complaint of John Darmanin against the Fire Commission for alleged failure to allow public comment; failure to disclose closed session information; failure to provide minutes within the time line; failure to produce redacted transcripts. (action item) (20 min)

12. Update regarding Board of Supervisors motion for proposed changes to the Sunshine Ordinance. (information and possible action item) (10 min)

13. Board of Appeals policy regarding charges for agendas. (information and possible action item) (10 min)

14. Administrator's Report for July. (Donna Hall) (discussion item) (5 min)

15. Public comment for items not listed on the agenda. (no action) (10 min)

16. Suggested future agenda items from the Task Force. (discussion item) (5 min)

Adjournment **Next Regular Meeting August 24, 2004**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

1.	Complainant presents his/her facts and evidence	5 minutes
	Other parties present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to
If a speaker is interrupted by questions, the interruption does not count against his/her time.

Disability Access: The hearing room is wheelchair accessible.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Donna Hall by mail to Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415 554 7724; by fax at 415 554 7854; or by email at Donna.Hall@sfgov.org.

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Sunshine Ordinance Task Force

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7724
Fax No. 554-7854
TDD/TTY No. 544-5227

http://www.sfgov.org/sunshine/

SUNSHINE ORDINANCE TASK FORCE

MINUTES*

Tuesday, July 27 2004
4:00 p.m., City Hall, Room 408

DOCUMENTS DEPT.
AUG 3 0 2004
SAN FRANCISCO
PUBLIC LIBRARY

Task Force Members

Seat 1	Vacant	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Gloria Young
Seat 7	David Pilpel		

Note: First name indicates member making motion; second name indicates member seconding motion. All motions passed unanimously except as noted.

Call to Order: 4:00 p.m.; recessed to 4:20 p.m.

Roll Call: All present

Agenda Changes: Item 11 continued to August 24, 2004; Item 13 removed; Item #6 should read Report from the Complaint Committee meeting of July 20, 2004 (Sue Cauthen)

11. Reconsideration of Order of Determination of 6/22/04, complaint of John Darmanin against the Fire Commission for alleged failure to allow public comment; failure to disclose closed session information; failure to provide minutes within the time line; failure to produce redacted transcripts.

    This item continued to August 24, 2004.

13. Board of Appeals policy regarding charges for agendas.

    This item removed from agenda.

1. Approval of minutes of June 22, 2004.

    Minutes approved. (Sterner/Cauthen) (Pilpel out of the room)

2. Certificates of Commendation to Pawan Mehra and Nicole Dogwill.

Certificates presented by Chair Jenkins to outgoing Task Force Members Mehra and Dogwill.

Public comment from Peter Warfield wishing them the best in their future activities.

3. Report from Clerk of the Board regarding the Clerk of the Board's organization.

Chair Jenkins stated a formal apology to Clerk of the Board Gloria Young for a remark that had been made by a Task Force Member at the June meeting.

Clerk of the Board Gloria Young and Assistant Clerk of the Board Adele Destro, presented to the Task Force the Clerk of the Board's organizational chart and policies relative to public records and customer service.

Public comment from Peter Warfield stating he had received exemplary and excellent services from the Clerk of the Board Office; asked about persons with no web access.

6. Report from the Complaint Committee meeting of July 20, 2004.

A. Draft minutes of July 20, 2004.

B. Recommendation to approve jurisdiction regarding complaint of John Kelly against the Department of Building Inspection and Department Deputy Director for alleged failure to provide copies of requested records; and for "official misconduct" by willfully failing to provide a response to a records request.

Motion adopted approving jurisdiction. (Cauthen/Parker)

C. Recommendation to approve jurisdiction regarding complaint of Matthew Hirsch against the Mayor's Office for alleged failure to provide requested information.

Motion adopted approving jurisdiction. (Cauthen/Parker)

8. Public hearing, continued from 6/22/04, complaint of Jane Martin against the Public Utilities Commission for alleged failure to release requested information.

No representative for the complainant was in attendance.

Beverly Hennessey of the PUC addressed the Task Force stating some of the questions asked by Jane Martin had been answered. Ms. Hennessey stated questions 3, 4, 5, 6, 8, and 9 had been answered because they did not relate directly to the ongoing investigation of the causes of flooding this past winter. Questions 1, 2, 7 and 10 were not answered because they related directly to the investigation of flooding liability being conducted,

Deputy City Attorney John Roddy addressed the Task Force explaining the time line regarding the complaint.

Member Pilpel disclosed that he was a friend of Deputy City Attorney John Roddy.

No public comment.

Motion adopted continuing this item to the August Task Force meeting. (Comstock/Nickliss) (Ayes: Knee, Cauthen, Comstock, Jenkins, Nickliss) (Noes: Sterner, Pilpel, Parker, Williams)

10. Public hearing, complaint of Matthew Hirsch against the Mayor's Office for alleged failure to provide requested information.

Matthew Hirsch addressed the Task Force in support of his complaint against the Mayor's Office for failure to produce resumes/applications it collected during the search for SF Public Utilities Commission General Manager.

Darlene Chiu, representing the Mayor's Office, addressed the Task Force stating that the resumes were not provided to Mr. Hirsch because the Sunshine Ordinance requires only disclosure of employment and education histories of successful job applicants.

Linda Ross, Deputy City Attorney, addressed the Task Force stating based on their interpretation of the ordinance, the Sunshine Ordinance requires only disclosure of employment and education histories of successful job applicants and requires only disclosure of employee resumes.

Discussion was held among the Task Force regarding the Mayor's Office not responding within the ten-day time period.

Public comment from Peter Warfield stating the timeline is crucial.

Public comment from Emeric Kalman stating that if anyone applies for a job with the City of San Francisco, the application should be a public record.

Public comment from Joan Girardot stating this is an appointed position, not a job applicant—urge the Task Force to decide in favor of public disclosure.

Motion introduced to find the Mayor's Office in violation of Sunshine Ordinance Section 67.21 (a) and (d), i.e., government" duty is to serve the public, reaching its decisions in full view of the public; and the right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy…(Comstock/Nickliss) (Ayes: Knee, Comstock, Nickliss, Williams, Jenkins) (Noes: Cauthen, Sterner, Parker, Pilpel) The motion failed.

Order of Determination adopted finding the Mayor's Office in violation of Sunshine

Ordinance Section 67.21 (b), i.e., a custodian of a public record shall, as soon as possible and within ten days following receipt of a request...comply with such request. (Comstock/Nickliss) (Ayes: Knee, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Nickliss, Williams) (Noes: Parker)

15. Public comment for items not listed on the agenda. None

-- The meeting recessed for five minutes.

7. Public hearing, continued from 6/22/04, complaint of Matthew Brennan against Supervisor Gonzalez' Office for alleged failure to provide complete information.

Member Comstock requested to be recused from this item because of his campaign connection with Supervisor Gonzalez. Motion adopted agreeing to recuse Member Comstock from this item. (Knee/Cauthen)

Member Williams disclosed she is a friend of Supervisor Gonzalez.

Complainant Matthew Brennan addressed the Task Force in support of his complaint stating he had not received from Supervisor Gonzalez' Office requested information of certain meeting notes, memorandum, letters and correspondence. Mr. Brennan also stated the Supervisor's Office failed to respond within the 10-day time limit.

Amy Laitinen, Supervisor Gonzalez' Office, addressed the Task Force stating Supervisor Gonzalez' Office had sent Mr. Brennan all the information they had on file regarding his request. Ms. Laitinen stated they no longer had certain emails Mr. Brennan was requesting; some emails had been destroyed.

Motion introduced to dismiss this complaint. (Pilpel/Williams)

The motion was separated into two parts: the timeline issue and the destruction of email issue.

The vote on the motion to dismiss the complaint regarding the timeline issue: Ayes: Pilpel. Noes: Knee, Cauthen, Sterner, Jenkins, Parker, Nickliss, Williams. Recused: Comstock. The motion failed.

The vote on the motion to dismiss the complaint regarding the destruction of the emails: Ayes: Knee, Cauthen, Sterner, Pilpel, Williams. Noes: Jenkins, Parker, Nickliss. Recused: Comstock. The motion failed.

Order of Determination adopted finding Supervisor Gonzalez' Office in violation of Sunshine Ordinance Section 67.21 (b) for failure to respond to the public records request within ten days following receipt of the request. (Cauthen/Sterner) (Ayes: Knee, Cauthen, Sterner, Jenkins, Parker, Nickliss, Williams) (Noes: Pilpel) (Recused: Comstock)

9. Public hearing, complaint of John Kelly against the Department of Building Inspection and Department Deputy Director for alleged failure to provide copies of requested records; and for "official misconduct" by willfully failing to provide a response to a records request.

Complainant John Kelly addressed the Task Force in support of his complaint alleging failure of the Department of Building Inspection to provide records requested May 25, 2004 regarding (1) (a) interpretations of the 50 square foot per occupant rule; and (1) (b) all decisions by DBI ruling on the enforcement of the foregoing language; and (2) (a) interpretations of the foregoing language as relied upon by DBI; and (b) decisions by DBI ruling on the enforcement of the foregoing language; and by refusing to provide the public records, the Deputy Director is guilty of official misconduct.

Ken Harrington, representing the Department of Building Inspection, addressed the Task Force stating Mr. Kelly had been informed there were no such records regarding Item #1; and regarding Item #2, the Deputy Director has asked the Technical Services Division to provide the department with research of all regulations utilized by DBI relative to homeless shelters which existed prior to the creation of Code Ruling AB-029 on March 1, 1991; and Item 2 (b) there are no such records.

Mr. Harrington stated the response to Mr. Kelly's request was sent 20 days after the request.

Public comment from Peter Warfield stating the number of requests a person makes to a department has nothing to do with fulfilling the request.

Order of Determination adopted finding the Department of Building Inspection in violation of Sunshine Ordinance Section 67.21 (b), i.e., a custodian of a public record shall, as soon as possible and within ten days following receipt of a request...comply with such request. (Parker/Cauthen) (Ayes: Knee, Cauthen, Sterner, Comstock, Parker, Jenkins, Nickliss, Williams) (Noes: Pilpel)

Motion adopted dismissing this complaint. (Sterner/Cauthen) (Ayes: Cauthen, Sterner, Comstock, Pilpel, Jenkins, Parker, Nickliss, Williams) (Noes: Knee)

Mr. Harrington stated the Department of Building Inspection would send a letter to Mr. Kelly stating there are no records found to his requests.

14. Administrator's Report for July.

Written report submitted by Administrator Hall.

12. Update regarding Board of Supervisors motion for proposed changes to the Sunshine Ordinance.

Chair Jenkins stated this item will be placed on the Compliance & Amendments Committee agenda and invite a representative from the Board of Supervisors

Rules Committee. Continued to August meeting.

4. Report from Compliance & Amendments Committee meeting of July 14, 2004. (Richard Knee) (discussion & possible action item) (10 min)

--Draft minutes of July 14, 2004.

Motion adopted continuing this item to the August Task Force meeting. (Knee/Parker) (Ayes: Knee, Cauthen, Sterner, Comstock, Jenkins, Parker, Nickliss, Williams) (Noes: Parker)

5. Report from the Public Education & Information Committee. (David Parker) (10 min)

--Draft minutes of July 15, 2004.

Motion adopted continuing this item to the August Task Force meeting. (Knee/Parker) (Ayes: Knee, Cauthen, Sterner, Comstock, Jenkins, Parker, Nickliss, Williams) (Noes: Parker)

16. Suggested future agenda items from the Task Force. None.

Member Pilpel suggested Complaint Committee consider procedures for hearing complaints; additional training needed in departments.

Public comment from Peter Warfield regarding public packet for Task Force meetings; some materials not included; suggesting the Task Force Complaint Committee consider having draft Orders of Determination for the Task Force

The meeting adjourned at 8:40 p.m.

Submitted by Donna L. Hall, Administrator

*This meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force.

Sunshine Ordinance Task Force

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http://www.sfgov.org/sunshine/

SUNSHINE ORDINANCE TASK FORCE

AGENDA

DOCUMENTS DEPT.
AUG 20 2004
SAN FRANCISCO
PUBLIC LIBRARY
08-20-04A11:19 RCVD

Tuesday, August 24, 2004
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Vacant	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
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Seat 7	David Pilpel		

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force Office, Room 244.

Call to Order
Roll Call
Agenda Changes

1. Approval of minutes. (Donna Hall) (action item) (5 min)

   A. July 26, 2004.
   B. July 27, 2004.

2. Report from Compliance & Amendments Committee meeting of July 14 and August 11, 2004. (Richard Knee) (discussion & possible action item) (10 min)

   A. Minutes of July 14, 2004 (information item)

   B. Draft minutes of August 11, 2004. (information item)

   C. Recommendation that the John Kelly June 22, 2004 Order of Determination against the Department of Building Inspection be forwarded to the Board of Supervisors as a violation of Section 67.30 (c). (action item)

3. Report from the Public Education & Information Committee meeting of July 15 and August 17, 2004. (David Pilpel) (10 min)

   A. Minutes of July 15, 2004. (information item)
   B. Draft minutes of August 17, 2004. (information item)

4. Report from the Complaint Committee meeting of August 10, 2004. (Sue Cauthen) (10 min)

   A. Draft minutes of August 10, 2004. (information item)

   B. Materials to assist the Task Force in making factual and legal determinations. (discussion and possible action item)

   C. Recommendation to approve jurisdiction regarding 8/3/04 complaint of Peter Warfield against the San Francisco Public Library Commission for alleged inadequate minutes that were published earlier this year.

   D. Recommendation to approve jurisdiction regarding 8/3/04 complaint of Peter Warfield against the San Francisco Public Library regarding alleged failure to produce records. (action item)

   E. Recommendation to approve jurisdiction regarding 8/3/04 complaint of Peter Warfield against the San Francisco Public Library for alleged failure of a timely response to an Immediate Disclosure Request and regarding alleged improper redaction of contact information. (action item)

5. Continued from 7/27/04, reconsideration of Order of Determination of 6/22/04, complaint of John Darmanin against the Fire Commission for alleged failure to allow public comment; failure to disclose closed session information; failure to provide minutes within the time line; failure to produce redacted transcripts. (action item) (20 min)

6. Continued from 7/27/04, public hearing, complaint of Jane Martin against the Public Utilities Commission for alleged failure to release requested information. (action item) (20 min)

7. Reconsideration of Order of Determination of July 27, 2004 regarding complaint of John Kelly against the Department of Building Inspection for alleged failure by the Department to provide copies of requested records; and for official misconduct by Deputy Director Hutchinson for alleged willful failure to provide a response to a records request. (action item)

8. Public hearing, 8/3/04 complaint of Peter Warfield against the San Francisco Public Library Commission for alleged inadequate minutes that were published earlier this year. (action item) (20 min)

9. Public hearing, 8/3/04 complaint of Peter Warfield against the San Francisco Public Library regarding alleged failure to produce records. (action item) (20 min)

10. Public hearing, 8/3/04 complaint of Peter Warfield against the San Francisco Public Library for alleged failure of a timely response to an Immediate Disclosure Request and regarding alleged improper redaction of contact information. (action item) (20 min)

11. Update regarding Board of Supervisors motion for proposed changes to the Sunshine Ordinance. (information and possible action item) (10 min)

12. Administrator's Report for August. (Donna Hall) (discussion item) (5 min)

13. Public comment for items not listed on the agenda. (no action) (10 min)

14. Suggested future agenda items from the Task Force. (discussion item) (5 min)

Adjournment **Next Regular Meeting September 28, 2004**

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MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
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	(Excluding Complainant & City response, witnesses	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to
If a speaker is interrupted by questions, the interruption does not count against his/her time.

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SUNSHINE ORDINANCE TASK FORCE

DOCUMENTS DEPT.
SEP 30 2004
SAN FRANCISCO
PUBLIC LIBRARY

MINUTES*

Tuesday, August 24, 2004
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Vacant	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Gloria Young
Seat 7	David Pilpel		

Note: First name indicates member making motion; second name indicates member seconding motion. All motions passed unanimously except as noted.

Call to Order: 4:00 p.m.

Roll Call: All present. (Comstock entered meeting after Item 1) (Cauthen entered meeting during Item 6)

Agenda Changes: None

1. Approval of minutes.

   A. July 26, 2004
   B. July 27, 2004

   Minutes approved. (Nickliss/Parker) (Comstock, Cauthen absent)

-- Member Comstock entered the meeting at this time.

2. Report from Compliance & Amendments Committee meeting of July 14 and August 11, 2004.

   Committee Chair Knee reported on the meetings of the Committee.

   A. Minutes of July 14, 2004

B. Draft minutes of August 11, 2004

The Peter Warfield case regarding the April 22, 2004 Order of Determination against the Public Library for failure to provide requested information relating to RSI-related employee injuries/problems, will be considered by the Compliance & Amendments Committee at their next regular meeting.

Public comment from Peter Warfield concerning delay of consideration of his April 22, 2004 Order of Determination for another month; also June 22, 2004 Order of Determination has not been responded to.

C. Recommendation that the John Kelly June 22, 2004 Order of Determination against the Department of Building Inspection be forwarded to the Board of Supervisors as a violation of Section 67.30 (c).

Motion adopted that the John Kelly June 22, 2004 Order of Determination against the Department of Building Inspection be forwarded to the Board of Supervisors as a violation of Section 67.29 (a). (Knee/Nickliss)

Public comment from Kenneth Harrington, Department of Building Inspection, regarding misplacement of measurements; property re-measured; asking procedure for going to the Board of Supervisors; Department of Building Inspection willing to have this item forwarded to the Board of Supervisors to have this matter resolved.

Public comment from John Kelly stating he is willing to have matter forwarded to the Board of Supervisors; also would like referral to District Attorney and State Attorney General.

Stipulation from both parties that matter be forwarded to the Board of Supervisors.

Motion introduced amending previous motion to include item to be sent to the District Attorney and State Attorney General. (Parker/Nickliss) (Cauthen absent)

At this time the original motion was voted on: Motion adopted that the John Kelly June 22, 2004 Order of Determination against the Department of Building Inspection be forwarded to the Board of Supervisors, District Attorney, and State Attorney General pursuant to Section 67.30 (c) as a violation of Section 67.29-7 (a) as indicated in the Order of Determination. (Knee/Nickliss) (Ayes: Knee, Comstock, Jenkins, Parker, Nickliss, Williams) (Noes: Sterner, Pilpel) (Absent: Cauthen)

3. Report from the Public Education & Information Committee meeting of July 15 and August 17, 2004

A. Minutes of July 15, 2004. (information item)
B. Draft minutes of August 17, 2004. (information item)

Committee Chair Parker reported on the Public Education & Information Committee.

7. Reconsideration of Order of Determination of July 27, 2004 regarding complaint of John Kelly against the Department of Building Inspection for alleged failure by the Department to provide copies of requested records; and for official misconduct by Deputy Director Hutchinson for alleged willful failure to provide a response to a records request.

Complainant John Kelly stated that Item (1) of the Order of Determination of July 27, 2004, was responded to in a timely manner. Mr. Kelly requested this item be dropped from the Order of Determination. Mr. Kelly requested reconsideration of Item (2) dismissing the complaint; Mr. Kelly stated he had not received appropriate responses to either of his public records requests.

Kenneth Harrington, Department of Building Inspection, stated there is no new evidence for Item (2)

Motion introduced to reconsider Item (1) of the Order of Determination of John Kelly of July 27, 2004. (Parker/Comstock)

Stipulation of both parties that Item (1) of the Order of Determination of July 27, 2004 be rescinded.

Motion adopted calling the previous motion. (Parker/Nickliss) (Absent: Cauthen)

At this time the original motion was voted on. Motion introduced to reconsider Item (1) of the Order of Determination of John Kelly of July 27, 2004, that based on the stipulation of both parties that there was no violation. (Parker/Comstock) (Absent: Cauthen)

Motion adopted changing the Order of Determination of July 27, 2004, rescinding Item (1) by stipulation of both parties that there was no violation. (Comstock/Nickliss) (Absent: Cauthen)

Letter to be sent to the parties that Item (1) of the July 27, 2004 Order of Determination has been vacated.

No motion to reconsider Item (2) of the July 27, 2004 Order of Determination.

13. Public comment for items not listed on the agenda.

Public comment from James Chaffee stating Member Pilpel came to a meeting of a search committee process for a new City Librarian and made statements regarding persons appearing before the Library Commission to make public comment, positive and otherwise; also statement made that the Library Commission is doing fine job and could ignore public comment.

4. Report from the Complaint Committee meeting of August 10, 2004.

Committee Member Nickliss reported on Complaint Committee.

A. Draft minutes of August 10, 2004. (information item)

B. Materials to assist the Task Force in making factual and legal determinations. (discussion and possible action item)

Questions of Task Force for Deputy City Attorney will be routed through the Administrator; Administrator to forward questions to all Task Force Members stating the transmittal was for information sharing only.

Member Pilpel stated he is a personal friend of Michael Housh, Custodian of Records for the Public Library.

C. Recommendation to approve jurisdiction regarding 8/3/04 complaint of Peter Warfield against the San Francisco Public Library Commission for alleged inadequate minutes that were published earlier this year.

Motion adopted approving jurisdiction of this complaint. (Nickliss/Knee) (Absent: Cauthen)

D. Recommendation to approve jurisdiction regarding 8/3/04 complaint of Peter Warfield against the San Francisco Public Library regarding alleged failure to produce records.

Motion adopted approving jurisdiction of this complaint. (Nickliss/Knee) (Absent: Cauthen)

E. Recommendation to approve jurisdiction regarding 8/3/04 complaint of Peter Warfield against the San Francisco Public Library for alleged failure of a timely response to an Immediate Disclosure Request and regarding alleged improper redaction of contact information.

Motion adopted approving jurisdiction of this complaint. (Nickliss/Knee) (Absent: Cauthen)

Public comment from Peter Warfield regarding information from Deputy City Attorney regarding assisting the Task Force in making factual and legal determinations; stated he was told there were be no different procedures in public hearings; new format confusing; all questions and decisions be communicated to members of the public.

5. Continued from 7/27/04, reconsideration of Order of Determination of 6/22/04, complaint of John Darmanin against the Fire Commission for alleged failure to allow public comment; failure to disclose closed session information; failure to provide minutes within the time line; failure to produce redacted transcripts.

Lorrie Kalos, Fire Department Deputy Chief, addressed the Task Force requesting reconsideration of the Order of Determination of June 22, 2004.

Motion adopted to set this item for public hearing at the next Task Force meeting to reconsider this Order of Determination. (Comstock/Williams) (Absent: Cauthen)

6. Continued from 7/27/04, public hearing, complaint of Jane Martin against the Public Utilities Commission for alleged failure to release requested information.

Jane Martin, representing Shotwell Street Neighborhood Association, addressed the Task Force in support of her complaint stating she still had not received answers to her questions 1, 2, 7, and 10 which she submitted to the PUC on April 13, 2004; requested addresses of locations; have not seen addresses.

-- Member Cauthen entered the meeting at this time.

Maureen Barry, representing the PUC, stated the PUC had given to Ms. Martin all the information they were able to release; everything we have to give Ms. Martin, she has.

John Roddy, City Attorney's Office, representing the PUC, stated the information not submitted was due to information regarding potential litigation; pre-litigation claims would be disclosable.

Motion introduced to dismiss this complaint because the Task Force cannot compel the PUC to turn over documents that are attorney-client privilege information. (Parker/Williams) (Ayes: Knee, Cauthen, Sterner, Pilpel, Parker) (Noes: Comstock, Jenkins, Nickliss, Williams) The motion failed.

Order of Determination adopted dismissing this complaint because of attorney-client privilege and urging the PUC to disclose documents as soon as possible so persons may better plan their living situations. (Parker/Knee)

-- Five minute recess

8. Public hearing, 8/3/04 complaint of Peter Warfield against the San Francisco Public Library Commission for alleged inadequate minutes that were published earlier this year.

Member Pilpel stated he is a personal friend of Michael Housh, Custodian of Records for the Public Library.

Peter Warfield addressed the Task Force in support of his complaint.

Public comment from Emeric Kalman in support of Mr. Warfield's complaint.

Michael Housh, Custodian of Records for the Public Library, addressed the Task Force stating the Library Commission minutes are not in violation of the Sunshine Ordinance.

Order of Determination adopted dismissing this complaint. (Pilpel/Sterner) (Ayes: Knee, Sterner, Comstock, Pilpel, Jenkins, Parker) (Noes: Cauthen, Nickliss, Williams)

9. Public hearing, 8/3/04 complaint of Peter Warfield against the San Francisco Public Library regarding alleged failure to produce records.

Member Pilpel stated he is a personal friend of Michael Housh, Custodian of Records for the Public Library.

Peter Warfield addressed the Task Force in support of his complaint.

Michael Housh, Custodian of Records for the Public Library, addressed the Task Force stating the records were kept for Mr. Warfield for a length of time before being returned to their file cabinets.

Order of Determination adopted dismissing this complaint. (Parker/Pilpel)

10. Public hearing, 8/3/04 complaint of Peter Warfield against the San Francisco Public Library for alleged failure of a timely response to an Immediate Disclosure Request and regarding alleged improper redaction of contact information.

Member Pilpel stated he is a personal friend of Michael Housh, Custodian of Records for the Public Library.

Motion adopted recusing Member Cauthen from this item. (Knee/Nickliss)

Peter Warfield addressed the Task Force in support of his complaint stating no statute given for redaction of material.

Michael Housh, Custodian of Records for the Public Library, addressed the Task Force stating the Public Library's reasons for redaction of information.

Public comment from Emeric Kalman stating the information should have been a public record and an error was made in redaction.

Order of Determination adopted dismissing this complaint with notation that in the future the Public Library Custodian of Records will write a letter explaining the reasons for redaction and citing the statutory provisions. (Comstock/Nickliss) (Cauthen abstained)

11. Update regarding Board of Supervisors motion for proposed changes to the Sunshine Ordinance.

Compliance & Amendments Committee Chair Knee stated the Compliance &

Amendments Committee would be holding public hearings in the future.

12. Administrator's Report for August.

Administrator Hall submitted written report.

14. Suggested future agenda items from the Task Force. None

The meeting adjourned at 8:30 p.m.

Donna L. Hall, Administrator

*The 8/24/04 meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force.

Sunshine Ordinance Task Force

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
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SUNSHINE ORDINANCE TASK FORCE

AGENDA

Tuesday, September 28, 2004
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Gloria Young
Seat 7	David Pilpel		

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force Office, Room 244.

Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of August 24, 2004. (Donna Hall) (action item) (5 min)

2. Report from Compliance & Amendments Committee meeting of September 8, 2004. (Richard Knee) (20 min)

   A. Draft Minutes of September 8, 2004 (information item)

   B. Recommendation to reconsider Order of Determination of April 22, 2004, complaint of Peter Warfield against the Public Library for alleged failure to provide requested information relating to RSI-related employee injuries/problems. (action item)

   C. Recommendation that the a survey be sent to all City Departments to receive their comments regarding specific provisions and proposed amendments to the Sunshine Ordinance. (action item)

3. Report from the Public Education & Information Committee meeting of September 9, 2004. (David Pilpel) (10 min)

   -- Draft Minutes of September 9, 2004. (information item)

4. Reconsideration of Order of Determination of 6/22/04, complaint of John Darmanin against the Fire Commission for alleged failure to allow public comment; failure to disclose closed session information; failure to provide minutes within the time line; failure to produce redacted transcripts. (action item) (20 min)

5. Administrator's Report for September. (Donna Hall) (discussion item) (5 min)

6. Public comment for items not listed on the agenda. (no action) (10 min)

7. Suggested future agenda items from the Task Force. (discussion item) (5 min)

Adjournment **Next Regular Meeting October 26, 2004**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

1.	Complainant presents his/her facts and evidence	5 minutes
	Other parties present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to
If a speaker is interrupted by questions, the interruption does not count against his/her time.

Disability Access: The hearing room is wheelchair accessible.

Chemical-Based Products: In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Cell phones, pagers and similar sound-producing electronic devices : The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Donna Hall by mail to Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415 554 7724; by fax at 415 554 7854; or by email at Donna.Hall@sfgov.org.

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, http://www.sfgov.org/sunshine/

Lobbyist Registration & Reporting Requirements

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Sunshine Ordinance Task Force

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http://www.sfgov.org/sunshine/

SUNSHINE ORDINANCE TASK FORCE

MINUTES*

Tuesday, September 28, 2004
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Gloria Young
Seat 7	David Pilpel		

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Note: First name indicates member making motion; second name indicates member seconding motion. All motions passed unanimously except as noted.

The meeting was called to order at 4:04 p.m.

Roll Call: Present: Members Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Parker, Nickliss, Williams. Absent: None

Agenda Changes: None

The Task Force meeting observed a moment of silence for Edward Blankenheim.

New member Erica Craven was introduced.

1. Approval of minutes of August 24, 2004.

   Minutes approved as amended. (Knee/Nickliss)

2. Report from Compliance & Amendments Committee meeting of September 8, 2004.

   A. Draft Minutes of September 8, 2004.

      Committee Chair Knee reported on meeting of September 8, 2004.

B. Recommendation to reconsider Order of Determination of April 22, 2004, complaint of Peter Warfield against the Public Library for alleged failure to provide requested information relating to RSI-related employee injuries/problems.

Member Pilpel stated he was a personal friend of Michael Housh of the Public Library. Committee Chair Knee requested Member Pilpel recuse himself from discussion on this item because Member Pilpel during deliberations at the Compliance & Amendments Committee revealed that he had ex parte communication with Mr. Housh with whom he is a friend and a party and interest in this case; requested Member Pilpel to recuse himself. Member Pilpel chose to participate.

Committee Chair Knee stated the Committee was recommending this Order of Determination be forwarded to the Ethics Commission, District Attorney, Attorney General, or Board of Supervisors.

Public comment from Peter Warfield stating his concern with waiting another month for action on this Order of Determination.

Deputy City Attorney Llorente suggested this item be continued because of the confusion regarding the wording on the agenda, which stated reconsideration of the 4/22/04 Order of Determination.

Member Pilpel suggested the Task Force request the Human Resource Director for the Library to attend the next meeting to explain the Department's human resources procedures; and request Deputy City Attorney Dorji Roberts to attend the next meeting to explain if he did in fact review the documents pertaining to this Order of Determination; and request the Deputy City Attorney for the Library Commission to attend the next meeting.

Because of the confusion regarding the wording on the agenda, which stated "reconsideration" of the 4/22/04 Order of Determination, motion adopted to continue this item to the next meeting when representatives of Library could be in attendance. (Cauthen/Nickliss)

C. Recommendation that the a survey be sent to all City Departments to receive their comments regarding specific provisions and proposed amendments to the Sunshine Ordinance.

Report of Compliance & Amendments Committee accepted regarding sending a survey to City departments. Compliance & Amendments Committee Chair to compile letter and survey with input from interested Task Force members.

Public comment from Peter Warfield suggesting the survey be sent to persons that have appeared before the Task Force as complainants for their comments.

6. Public comment for items not listed on the agenda.

Public comment from Peter Warfield regarding nomenclature is important in determining the discussion of an argument-- terminology of medical records—were medical records ever requested; would be helpful to have as thorough documents as possible for next meeting.

3. Report from the Public Education & Information Committee meeting of September 9, 2004.

--Draft Minutes of September 9, 2004.

Committee Chair David Parker gave oral report.

4. Reconsideration of Order of Determination of 6/22/04, complaint of John Darmanin against the Fire Commission for alleged failure to allow public comment; failure to disclose closed session information; failure to provide minutes within the time line; failure to produce redacted transcripts.

Lorrie Kalos, Assistant Deputy Chief, Support Services, Fire Department, stated that in the original transcript, the transcriber made an error in the time; the transcript stated the meeting began at 4:00 p.m.; what was found was that the meeting was scheduled and advertised and did begin at 4:30 p.m.; at 4:30 p.m. there was a time allowed for public comment; the hearing was held in closed session; at the point where closed session was reopened, public comment was heard on reopening the session and disclosing the information in closed session; public comment was again given at that time; Mr. Darmanin was not in the room at either points of public comment.

Lorrie Kalos stated regarding Section 67.15 (c) that the Fire Commission does allow three minutes of public comment. Regarding Section 67.12 (a) and (b) (4), the decision of the Commission was to disclose portions of the agreement between the charged member and the Commission; this was not required as the item does not fall under 67.23 (a) and (b) (4).

Lorrie Kalos stated that Section 67.12 (d) was not required for disclosure as this was not an employee action that falls under that section; however, the Commission did decide to do so.

Lorrie Kalos stated regarding 67.16 that they do agree the minutes were not ready in ten days; this was not the fault of the Commission; it was waiting for the transcript to come from the transcriber; there were errors in the way they were sent; do agree it was not ten days; they were received on the 11th day and within 24 hours they were given to Mr. Darmanin.

Lorrie Kalos stated the Commission has revised its procedures to be able to post summary of the reported actions after a closed session by the close of the next business day and will submit draft of minutes within the ten working days. This is something the Department has always done; there was human error in this particular case.

Motion adopted to amend the Order of Determination of June 22, 2004 rescinding Sections 67.15 (a), (b) and (c) (Pilpel/Nickliss) (Ayes: Knee, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Nickliss, Williams) (Noes: Craven, Parker). The motion carried.

Motion adopted rescinding the Order of Determination of June 22, 2004, stating the Task Force acknowledges the Fire Department's willingness to improve its Sunshine Ordinance compliance. (Comstock/Nickliss) (Ayes: Knee, Cauthen, Sterner, Comstock, Jenkins, Parker, Nickliss) (Noes: Craven, Pilpel, Williams). The motion carried.

5. Administrator's Report for September.

Administrator Hall submitted written report.

7. Suggested future agenda items from the Task Force.

Member Nickliss stated she would give an update on City College joint meeting at the next Task Force meeting; requested an update on meeting with School District; requested discussion regarding Ethics Commission process of the Oliver Luby/Kevin DeLiban complaint; requested discussion of appeal procedures of Ethics Commission decisions.

Member Pilpel requested Chief Fong attend a Public Education & Information Committee meeting regarding 9/26/04 SF Chronicle article in the newspaper.

The meeting adjourned at 6:00 p.m.

Submitted by Donna L. Hall, Administrator

*This meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force

Sunshine Ordinance Task Force

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SUNSHINE ORDINANCE TASK FORCE

AGENDA

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Tuesday, October 26, 2004
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Gloria Young
Seat 7	David Pilpel		

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force Office, Room 244.

Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of September 28, 2004. (Donna Hall) (action item) (5 min)

2. Consideration of recommendation from the Compliance & Amendments Committee to refer the 3/8/04 complaint of Peter Warfield and the 4/22/04 Order of Determination, and all supporting documents, to separate agencies with enforcement powers because of the Public Library's alleged failure to comply with the Order of Determination. (The Order of Determination required the Public Library to provide assistance in obtaining records in the department's control, and to provide statutory provisions which would exempt documents from disclosure relating to RSI-related employee injuries/problems.) (action item)

3. Report from Rules Committee meeting of September 22, 2004. (Heather Sterner) (20 min)

   A. Draft Minutes of September 22, 2004 (information item)

B. Recommendation to add language to the Complaint Procedures regarding reconsideration of Orders of Determination. (action item)

C. Recommendation that members of the Task Force request from the chairs of committees if they wish to speak on an item on a committee agenda if they are not a member of that committee. (action item)

D. Recommendation that when members of the Task Force have questions of departments regarding an issue before the Task Force that the questions go through the Administrator who will then contact the department and copy the request to all Task Force members. (action item)

4. Report from Compliance & Amendments Committee meeting of October 13, 2004. (Richard Knee) (20 min)

   A. Draft Minutes of October 13, 2004 (information item)

   B. Approval of updated Compliance & Amendments Committee Mission and Work Plan. (action item)

5. Report from the Public Education & Information Committee meeting of October 14, 2004. (David Parker) (10 min)

   A. Draft Minutes of October 14, 2004. (information item)

   B. Approval of updated Public Education & Information Committee Mission and Work Plan. (action item)

6. Administrator's Report for October. (Donna Hall) (discussion item) (5 min)

7. Public comment for items not listed on the agenda. (no action) (10 min)

8. Suggested future agenda items from the Task Force. (discussion item) (5 min)

Adjournment **Next Regular Meeting November 23, 2004**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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	Other parties present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to
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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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SUNSHINE ORDINANCE TASK FORCE

MINUTES*

Tuesday, October 26, 2004
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
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Seat 6	Doug Comstock	Ex-officio	Gloria Young
Seat 7	David Pilpel		

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10/26/04

Note: First name indicates member making motion; second name indicates member seconding motion. All motions passed unanimously except as noted.

The meeting called to order at 4:00 p.m. On the call of the roll, all members present except Members Comstock, Parker, Pilpel. (Member Pilpel entered the meeting on Item 2)

No agenda changes.

1. Approval of minutes of September 28, 2004.

   Minutes approved as amended (Items 2-B, 4 6, 7) (Nickliss/Cauthen) Absent: Comstock, Parker, Pilpel

2. Consideration of recommendation from the Compliance & Amendments Committee to refer the 3/8/04 complaint of Peter Warfield and the 4/22/04 Order of Determination, and all supporting documents, to separate agencies with enforcement powers because of the Public Library's alleged failure to comply with the Order of Determination. (The Order of Determination required the Public Library to provide assistance in obtaining records in the department's control, and to provide statutory provisions which would exempt documents from disclosure relating to RSI-related employee injuries/problems.)

-- Member Pilpel entered the meeting at this time.

Complainant Peter Warfield addressed the Task Force in support of this consideration of recommendation from the Compliance & Amendments Committee regarding the 3/8/04 complaint of Mr. Warfield and the 4/22/04 Order of Determination of the Task Force.

Member Pilpel stated he is a personal friend of Michael Housh of the Public Library.

Public comment from:
Luella Harris regarding decision on motion—keep in mind word "stonewalling."
Emeric Kalman regarding supporting sending this item to the Ethics Commission.

Motion adopted this matter regarding the 3/8/04 complaint of Peter Warfield and the 4/22/04 Order of Determination be referred to the Ethics Commission and the District Attorney of San Francisco. (Knee/Nickliss) (Ayes: Craven, Knee, Cauthen, Sterner, Jenkins, Nickliss, Williams) (Noes: Pilpel) (Absent: Comstock, Parker)

7. Public comment for items not listed on the agenda.

Public comment from Emeric Kalman regarding concern of no uniform standard of taking of minutes by City commissions and committees.

3. Report from Rules Committee meeting of September 22, 2004.

A. Draft minutes of September 22, 2004. (information item)

B. Recommendation to add language to the Complaint Procedures regarding reconsideration of Orders of Determination.

Public comment from Peter Warfield regarding what motivated this item.

Motion adopted adding the following language to the Complaint Procedures regarding reconsideration of Orders of Determination:

> "Within 10 days of service of the Order of Determination, either Complainant or Respondent Agency may petition the Sunshine Ordinance Task Force for a reconsideration of the Order on the grounds of new information that had not been available to the party at the time of the hearing of the complaint. A finding that reconsideration is proper can be granted if it is shown that the information either was not known to the party who exercises due diligence in preparing the case for hearing or that the information did not exist until after the hearing. The information must be of such a type as to be relevant to the final decision.

The Task Force would consider the petition at its next scheduled meeting, and if the petition is granted, then a new hearing on the complaint would be scheduled at the next available date." (Sterner/Nickliss) (Absent: Comstock, Parker)

C. Recommendation that members of the Task Force request from the chairs of committees if they wish to speak on an item on a committee agenda if they are not a member of that committee.

Public comment from Peter Warfield regarding it being problematic to have a meeting notice that might be a meeting of the subcommittee or if enough show up will be a meeting of the full Task Force.

Motion adopted when a member of the Task Force who is not a member of a particular subcommittee wishes to participate on an item on the committee agenda, the Chair shall have the authority to decide whether that member will speak from the dais or from the audience gallery, and as a matter of courtesy, the member should notify the Chair of their request to participate. (Sterner/Nickliss) (Absent: Comstock, Parker)

D. Recommendation that when members of the Task Force have questions of departments regarding an issue before the Task Force that the questions go through the Administrator who will then contact the department and copy the request to all Task Force members.

Public comment from Peter Warfield regarding concerned about the contact the Task Force has with a department without complainant knowledge; include both parties to process.

Motion adopted that when members of the Task Force have questions of departments or complainant regarding a complaint before the Task Force, the questions go before the Administrator who will then contact the parties in question and copy the request to all Task Force members and other interested parties; and the responses distributed to all parties soon as it is available. (Sterner/Pilpel) (Comstock, Parker absent)

5. Report from the Public Education & Information Committee meeting of October 14, 2004.

A. Draft Minutes of October 14, 2004. (information item)

B. Approval of updated Public Education & Information Committee Mission and Work Plan.

Public comment from Peter Warfield regarding concern the Task Force is not sufficiently taking into account members of the public; concerned with training portion of the guidelines.

Motion adopted approving the updated Public Education & Information Committee Mission and Work Plan by adding "The Committee will offer Sunshine Ordinance education to members of the public, community groups, and city personnel" and adding "The Committee will assist the City Attorney's Office in coordinating training for custodians of records of departments, secretaries and clerks of boards and commissions, members of boards and commissions, department heads, public information officers, and all those required to file Statements of Economic Interests forms. (Pilpel/Williams) (Absent: Comstock, Parker)

-- Member Williams left the meeting at this time.

-- Five minute recess.

-- Member Cauthen left the meeting at this time.

4. Report from Compliance & Amendments Committee meeting of October 13, 2004.

A. Draft Minutes of October 13, 2004 (information item)

B. Approval of updated Compliance & Amendments Committee Mission and Work Plan.

Public comment from Peter Warfield regarding concern with ordinance sections regarding non-compliance issues and promptness—within five days non-compliance shall be sent to District Attorney or the Attorney General and if the work plan coordinates with that.

Motion adopted approving the updated Committee Mission and Work Plan by adding "Distribute information to non-profits covered under Administrative Code Chapter 12L; and deleting "Address any additional concerns regarding the complaint process and make recommendations for reform to the full SOTF." (Knee/Pilpel) (Absent: Cauthen, Comstock, Parker, Williams)

6. Administrator's Report for October. Report given.

8. Suggested future agenda items from the Task Force.

Member Knee reported on School Board meeting; Sunshine Ordinance guidelines to be submitted by next May.

Member Pilpel requested the ad hoc committees meet.

On next agenda, this item will include announcements from the Task Force Members.

The meeting adjourned at 7:25 p.m. Donna L. Hall, Administrator

This meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force

Sunshine Ordinance Task Force

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7724
Fax No. 554-7854
TDD/TTY No. 544-5227

http://www.sfgov.org/sunshine/

SUNSHINE ORDINANCE TASK FORCE

AGENDA

DOCUMENTS DEPT.
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11-17-04A10:16 RCVD

Tuesday, November 23, 2004
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Rosalina Contreras-Rosado	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	David Pilpel	Ex-officio	Alan Wong (Task Force youth appointee)

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force Office, Room 244.

Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of October 26, 2004. (Donna Hall) (action item) (5 min)

2. Introduction of new Youth ex-officio appointee to the Task Force. (David Parker) (information item)

3. Presentation by a representative from the District Attorney's Office on how the District Attorney's Office handles referrals from the Task Force. (Tom Bogott) (discussion item) (15 min)

4. Discussion regarding length of Task Force meetings; proposal to have each public hearing kept to a total of 30 minutes; and if hearing goes beyond the 30 minutes, the item will be continued to later in the meeting, or to the next meeting. (Garrett Jenkins) (discussion and possible action item) (10 min)

5. Report from Complaint Committee meeting of November 9, 2004. (Sue Cauthen) (10 min)

   A. Draft Minutes of November 9, 2004 (information item)

   B. Recommendation to approve jurisdiction of 10/10/04 complaint of Roland Sheppard against the Public Utilities Commission for alleged failure to produce records. (action item)

   C. Recommendation to approve jurisdiction of 11/2/04 complaint of Peter Warfield against the Public Library regarding alleged failure to produce records in a timely manner. (action item)

6. Public Hearing, 1010/04 complaint of Roland Sheppard against the Public Utilities Commission for alleged failure to produce records. (30 min) (action item)

7. Public Hearing, 11/2/04 complaint of Peter Warfield against the Public Library regarding alleged failure to produce records in a timely manner. (30 min) action item)

8. Report from Compliance & Amendments Committee meeting of November 10, 2004. (Richard Knee) (20 min)

   A. Draft Minutes of November 10, 2004 (information item)

   B. Recommendation that a letter be sent to the Planning Commission recommending that the general public comment item on their agendas be held at a different time than at the end of their meetings. (discussion and possible action)

9. Administrator's Report for November. (Donna Hall) (discussion item) (5 min)

10. Public comment for items not listed on the agenda. (no action) (10 min)

11. Announcements, questions, and future agenda items from the Task Force. (discussion item) (5 min)

Adjournment **Next Regular Meeting December 21, 2004**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

1.	Complainant presents his/her facts and evidence	5 minutes
	Other parties present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to
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Disability Access: The hearing room is wheelchair accessible.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Donna Hall by mail to Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415 554 7724; by fax at 415 554 7854; or by email at Donna.Hall@sfgov.org.

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Lobbyist Registration & Reporting Requirements

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SUNSHINE ORDINANCE TASK FORCE

MINUTES*

Tuesday, November 23, 2004
4:00 p.m., City Hall, Room 408

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Task Force Members

Seat 1	Erica Craven	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Rosalina Contreras-Rosado	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	David Pilpel		

Note: First name after motion indicates member making motion; second name indicates member seconding motion. All motions passed unanimously except as noted.

-- The meeting called to order at 4:05 p.m.

-- Roll call: Present: Craven, Knee, Cauthen, Contreras-Rosado, Sterner, Comstock, Pilpel, Jenkins, Nickliss. Absent: Parker, Williams

-- Agenda changes: Item #2 removed.

1. Approval of minutes of October 26, 2004.

   Minutes approved as corrected. (Nickliss/Knee) (Absent: Parker, Williams)

2. Introduction of new Youth ex-officio appointee to the Task Force.

   Removed from agenda.

3. Presentation by a representative from the District Attorney's Office on how the District Attorney's Office handles referrals from the Task Force.

   Assistant District Attorney Tom Bogott made the presentation.

   Public comment:

Peter Warfield regarding no penalties in the Sunshine Ordinance for violations.

4. Discussion regarding length of Task Force meetings; proposal to have each public hearing kept to a total of 30 minutes; and if hearing goes beyond the 30 minutes, the item will be continued to later in the meeting, or to the next meeting.

   Public comment:

   Peter Warfield regarding opposition to this proposal.

5. Report from Complaint Committee meeting of November 9, 2004.

   A. Draft Minutes of November 9, 2004 (information item)

   B. Recommendation to approve jurisdiction of 10/10/04 complaint of Roland Sheppard against the Public Utilities Commission for alleged failure to produce records.

      Motion adopted. (Cauthen/Nickliss) (Absent: Parker, Williams)

   C. Recommendation to approve jurisdiction of 11/2/04 complaint of Peter Warfield against the Public Library regarding alleged failure to produce records in a timely manner.

      Motion adopted. (Cauthen/Nickliss) (Absent: Parker, Williams)

6. Public comment for items not listed on the agenda.

   Public comment:

   James Chaffee regarding August Task Force minutes not on the web; opposed to Library Commission actions; and City Attorney Office impact on the Task Force.

7. Public Hearing, 1010/04 complaint of Roland Sheppard against the Public Utilities Commission for alleged failure to produce records.

   Roland Sheppard spoke in support of his complaint.

   Tony Winniker, Director of Communications, Public Utilities Commission, spoke in support of the Department explaining the documents that were provided to Mr. Sheppard.

   Kevin Williams, representing Mr. Sheppard, spoke in support of Mr. Sheppard.

   Letter to be sent to the PUC, with a copy to the City Attorney, stating the Task Force has designated a Task Force Member to review documents from the PUC and report at the next Task Force meeting.

Motion adopted continuing this public hearing to the next meeting; and directing the PUC to be prepared to answer questions and bring back information that have arisen at this public hearing (regarding discipline imposed and releasable information on this; on-going investigation and litigation and records related to both of those; would there be releasable documents with or without redaction with regard to the investigation and litigation; 67.24 (c) (7) clarification; a recap of Mr. Sheppard's request; provide audio tape of Commission meetings where this was a topic and corresponding minutes; funds breakdown deeper than 087 for the Southeast Facility; financial reports; police report or reference to the police report).

(Nickliss/Contreras-Rosado) (Absent: Parker, Williams)

8. Administrator's Report for November.

Administrator Donna Hall submitted written report.

-- Member Contreras-Rosado left the meeting at this time.

9. Public Hearing, 11/2/04 complaint of Peter Warfield against the Public Library regarding alleged failure to produce records in a timely manner.

Complainant Peter Warfield regarding support of his complaint.

Member Pilpel stated he had a personal relationship with Michael Housh of the Public Library.

Motion introduced finding the Library in violation of Sunshine Ordinance Sections 67. 21 (a) and 67.26. (Comstock/Nickliss) (Ayes: Craven, Knee, Cauthen, Nickliss, Comstock) (Noes: Sterner, Pilpel, Jenkins) (Absent: Contreras-Rosado, Parker, Williams). The motion failed.

10. Report from Compliance & Amendments Committee meeting of November 10, 2004. (Richard Knee) (20 min)

A. Draft Minutes of November 10, 2004 (information item)

B. Recommendation that a letter be sent to the Planning Commission recommending that the general public comment item on their agendas be held at a different time than at the end of their meetings.

Letter to be sent to the Planning Commission expressing appreciation for placing two public hearing times on Planning Commission agendas.

11. Announcements, questions, and future agenda items from the Task Force.

Member Cauthen requested the Library Citizens Advisory Committee meeting cancellation be placed on a future agenda.

Member Nickliss requested the Ethics Commission decision regarding the Oliver Luby/Kevin DeLiban decision be placed on the Compliance & Amendments Committee agenda.

Member Pilpel requested the Ethics Commission be invited to the next Task Force meeting; requested Deputy City Attorney Llorente report on Proposition 59; requested the ad hoc committees schedule meetings; requested procedure be added to Complaint process requesting 13 copies of material submitted at day of Task Force meetings; requested letter be sent by the Chair to the City Attorney regarding the practice of department Deputy City Attorney not appearing at Task Force meetings.

-- The meeting adjourned at 8.25 p.m.

Submitted by Donna L. Hall, Administrator

*This meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force.

Sunshine Ordinance Task Force

City Hall
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San Francisco 94102-4689
Tel. No. 554-7724
Fax No. 554-7854
TDD/TTY No. 544-5227

http://www.sfgov.org/sunshine/

SUNSHINE ORDINANCE TASK FORCE

AGENDA

Rescheduled from Tuesday, December 28, 2004, to

Tuesday, December 21, 2004

4:00 p.m., City Hall, Room 408

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Task Force Members

Seat 1	Erica Craven	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Rosalina Contreras-Rosado	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force Office, Room 244.

Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of November 23, 2004. (action item) (5 min)

2. Supervisor of Public Records (City Attorney) report. (Dorji Roberts) (discussion item) (15 min)

3. Presentation by a representative from Ethics Commission regarding procedures of Ethics Commission when receiving a referral from the Task Force. (discussion item) (15 min)

4. Report from Complaint Committee meeting of December 14, 2004. (Sue Cauthen) (10 min)

   A. Recommendation to approve jurisdiction of complaint filed by Luce Forward, Attorneys at Law, on behalf of Joe Cassidy, against Supervisor Maxwell's

Office for alleged failure to produce complete records. (action item)

B. Recommendation to approve jurisdiction of complaint filed by Luce Forward, Attorneys at Law, on behalf of Sean Keighran, against Supervisor Maxwell's Office for alleged failure to produce complete records. (action item)

5. Continued Public Hearing of November 23, 2004, 10/10/04 complaint of Roland Sheppard against the Public Utilities Commission for alleged failure to produce records. (30 min) (action item)

   -- Report of Vice Chair Alexandra Nickliss regarding review of personnel records.

6. Public Hearing, complaint filed by Luce Forward, Attorneys at Law, on behalf of Joe Cassidy, against Supervisor Maxwell's Office for alleged failure to produce complete records. (30 min) (action item)

7. Public Hearing, complaint filed by Luce Forward, Attorneys at Law, on behalf of Sean Keighran, against Supervisor Maxwell's Office for alleged failure to produce complete records. (30 min) (action item)

8. Report from Compliance & Amendments Committee meeting of December 8, 2004. (Richard Knee) (20 min)

   --Recommendation for Task Force discussion of the Ethics Commission decision regarding the Oliver Luby/Kevin DeLiban decision. (discussion and possible action)

9. Report from City Attorney regarding request for information on Proposition 59. (Ernest Llorente) (discussion item) (5 min)

10. Update on City College Board discussion of the Sunshine Ordinance. (Alexandra Nickliss) (discussion and possible action item) (10 min)

11. Administrator's Report for December. (discussion item) (5 min)

12. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible. (no action item) (10 min)

13. Announcements, questions, and future agenda items from the Task Force. (no action item) (5 min)

Adjournment **Next Regular Meeting January 25, 2005**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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	Other parties present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to
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SUNSHINE ORDINANCE TASK FORCE

MINUTES*

Tuesday, December 21, 2004

4:00 p.m., City Hall, Room 408

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Task Force Members

Seat 1	Erica Craven	Seat 8	Garrett Jenkins
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss
Seat 4	Rosalina Contreras-Rosado	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner	Ex-officio	Vacant
Seat 6	Doug Comstock	Ex-officio	Donna Hall
Seat 7	David Pilpel		

SF
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#2
12/21/04

Note: First name after motion indicates member making motion; second name indicates member seconding motion. All motions passed unanimously except as noted.

-- The meeting called to order at 4:03 p.m.

-- Roll call: Present: Knee, Cauthen, Sterner, Comstock, Pilpel, Nickliss, Williams. Absent: Craven, Contreras-Rosado, Jenkins, Parker.

-- Agenda changes: Item #4, 6, and 7 continued to January 25, 2005.

1. Approval of minutes of November 23, 2004.

   Minutes approved as corrected. (Comstock/Knee) (Absent: Pilpel)

2. Supervisor of Public Records (City Attorney) report.

   Deputy City Attorney Dorji Roberts made the presentation.

   Public Comment: Roland Sheppard.

3. Presentation by a representative from Ethics Commission regarding procedures of Ethics Commission when receiving a referral from the Task Force.

   John St. Croix, Ethics Commission, and Richard Mo, Ethics Commission, made

the presentation.

Public Comment: Francisco Da Costa.

4. Report from Complaint Committee meeting of December 14, 2004.

Continued to January 25, 2005. (Cauthen/Knee)

Public Comment: Francisco Da Costa

Member Pilpel absent for this item.

5. Continued Public Hearing of November 23, 2004, 10/10/04 complaint of Roland Sheppard against the Public Utilities Commission for alleged failure to produce records.

Roland Sheppard in support of his complaint.
Kevin Williams in support of Sheppard's complaint.
Francisco Da Costa in support of Sheppard's complaint.

Motion to find that there is no violation and urge that a redacted version of the EEO report be provided by PUC. (Cauthen/Williams)
Failed by the following vote:
Ayes: Sue Cauthen, Heather Sterner, Alexandra Nickliss
Nays: Richard Knee, David Pilpel, Marjorie Ann Williams

Continued to January 25, 2005 for reconsideration of the motion only.

6. Public Hearing, complaint filed by Luce Forward, Attorneys at Law, on behalf of Joe Cassidy, against Supervisor Maxwell's Office for alleged failure to produce complete records.

Continued to January 25, 2005. (Cauthen/Knee)

Public comment: Francisco Da Costa

Member Pilpel absent for this item.

7. Public Hearing, complaint filed by Luce Forward, Attorneys at Law, on behalf of Sean Keighran, against Supervisor Maxwell's Office for alleged failure to produce complete records.

Continued to January 25, 2005. (Cauthen/Knee)

Public comment: Francisco Da Costa

Member Pilpel absent for this item.

Member Comstock left the meeting at this time.

8. Report from Compliance & Amendments Committee meeting of December 8, 2004.

   Member Knee made the report.

9. Report from City Attorney regarding request for information on Proposition 59.

   Deputy City Attorney Ernest Llorente made the presentation.

10. Update on City College Board discussion of the Sunshine Ordinance.

    Vice Chair Nickliss made the report. Schedule ad hoc committee meeting to discuss the update on City College Board discussion of the Sunshine Ordinance.

11. Administrator's Report for December.

    No administrator present. Possible issues: new administrator.

12. Public comment for items not listed on the agenda.

    Dr. Ahimsa Sumchai, Hunter's Point Shipyard
    Anonymous complaint letter, refer to Complaint Committee for determination of jurisdiction.

13. Announcements, questions, and future agenda items from the Task Force.

    Over-fulfillment of tape duplication request by the Ethics Department.

-- The meeting adjourned in memory of Beverly Kees and Allen Bass Eric at 7:53 p.m.

Submitted by Victor Young, Committee Clerk

*This meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force.

Board of Supervisors
Sunshine Ordinance Task Force

January 25, 2005

SUNSHINE ORDINANCE TASK FORCE

AGENDA

DOCUMENTS DEPT.
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Tuesday, January 25, 2005

4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven	Seat 8	Garrett Jenkins (Chair)
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss (Vice-Chair)
Seat 4	Rosalina Contreras-Rosado	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force, Room 244.

Call to Order

Roll Call
Agenda Changes

1. Approval of minutes of December 21, 2004. (action item) (5 minutes)

2. 05-001 Continued determination of action, 10/10/04 complaint of Roland Sheppard against the Public Utilities Commission for alleged failure to produce records.

(Public comment and discussion was taken on 12/21/04 and has closed. The possible action at this meeting is a vote on the motion to find that there is no violation and urge that a redacted version of the EEO report be provided by PUC. (action item) (5 minutes)

3. Supervisor of Public Records report. (Deputy City Attorney, Dorji Roberts)(discussion and possible action)

4. Report from Complaint Committee meeting of December 14, 2004 and January 12, 2005. (Sue Cauthen) (10 min)

05-002 Recommendation to approve jurisdiction of complaint filed by Luce Forward, Attorneys at Law, on behalf of Joe Cassidy, against Supervisor Maxwell's Office for alleged failure to produce complete records. (action item)(5 min)

05-003 Recommendation to approve jurisdiction of complaint filed by Luce Forward, Attorneys at Law, on behalf of Sean Keighran, against Supervisor Maxwell's Office for alleged failure to produce complete records. (action item) (5 min)

05-004 Recommendation to approve jurisdiction of complaint filed by Cheryl Brinkman, Pat Christensen, and Sue Vaughn against the Golden Gate Park Concourse Authority regarding alleged failure provide documents prior to a meeting (action item) (5 min)

05-005 Recommendation to approve jurisdiction of complaint of Joseph Engler against the San Francisco Police Department regarding alleged failure to produce complete records (action item) (5 min)

05-006 Recommendation to approve jurisdiction of an Anonymous Person against the Ethics Commission regarding alleged failure to properly notice a meeting. (action item) (5 min)

5. 05-002 Public Hearing, complaint filed by Luce Forward, Attorneys at Law, on behalf of Joe Cassidy, against Supervisor Maxwell's Office for alleged failure to produce complete records. (action item) (30 min)

6. 05-003 Public Hearing, complaint filed by Luce Forward, Attorneys at Law, on behalf of Sean Keighran, against Supervisor Maxwell's Office for alleged failure to produce complete records. (action item) (30 min)

7. 05-004 Public Hearing, complaint filed by Cheryl Brinkman, Pat Christensen, and Sue Vaughn against the Golden Gate Park Concourse Authority regarding alleged failure provide documents prior to a meeting. (action item) (30 min)

8. 05-005 Public Hearing, complaint filed by Joseph Engler against the San Francisco Police Department regarding alleged failure to produce complete records.

(action item) (30 min)

9. 05-006 Public Hearing, complaint filed by an Anonymous Person against the Ethics Commission regarding alleged failure to properly notice a meeting.

(action item) (30 min)

10. Report from Compliance & Amendments Committee meeting of January 12, 2005.(Richard Knee) (10 min)

11. Report from Public Education and Information Committee meeting of January 13, 2005. (David Parker) (10 min)

12. Report from the Ad Hoc Committee meeting of January 11, 2005 (Alexandra Nickliss) (10 min)

05-008 Discussion and consideration of draft memorandum to the City College Governing Board pertaining to Proposition 59 and how it should guide the City College Board of Trustees in their efforts to comply with the requirements of the Sunshine Ordinance.(discussion and possible action item) (10 min)

13. Administrator's Report for December. (discussion item) (5 min)

14. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible. (no action item) (10 min)

15. Announcements, questions, and future agenda items from the Task Force. (no action item) (5 min)

Adjournment **Next Regular Meeting February 22, 2005**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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Above total speaking time for Complainant and City to be the same

3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses)	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to, if a speaker is interrupted by questions, the interruption does not count against his/her time.

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Sunshine Ordinance Task Force

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7724
Fax No. 554-7854
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SUNSHINE ORDINANCE TASK FORCE

MINUTES

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Tuesday, January 25, 2005

4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven	Seat 8	Garrett Jenkins (Chair)
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss (Vice-Chair)
Seat 4	Rosalina Contreras-Rosado	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force, Room 244.

Call to Order: The meeting was called to order at 4:00 p.m.
Roll Call: Present: Craven, Knee, Cauthen (4:03 p.m.), Sterner, Comstock, Pilpel(4:03 p.m.), Jenkins, Parker, Nickliss, Williams.
Absent: Contreras-Rosado.
Agenda Changes: None.

1. Approval of minutes of December 21, 2004.

   Deferred to next meeting. (Pilpel/Knee)

2. 05-001 Continued determination of action, 10/10/04 complaint of Roland Sheppard against the Public Utilities Commission for alleged failure to produce records.

   Motion to find that there is no violation and urge that a redacted version of the EEO report be provided by PUC. (Knee/Nickliss)
   Ayes: Craven, Knee, Cauthen, Sterner, Jenkins, Parker, Nickliss
   Nays: Comstock, Pilpel, Williams
   Absent: Contreras-Rosado

3. Supervisor of Public Records report.

Deputy City Attorney, Dorji Roberts made the presentation.
Received from Dorji Roberts, Fifth Annual Report of the Supervisor of Records, and filed.

4. Report from Complaint Committee meeting of December 14, 2004 and January 12, 2005. (Sue Cauthen) (10 min)

05-002 Recommendation to approve jurisdiction of complaint filed by Luce Forward, Attorneys at Law, on behalf of Joe Cassidy, against Supervisor Maxwell's Office for alleged failure to produce complete records.

Motion to grant jurisdiction.
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Jenkins, Parker, Nickliss
Nays: Williams
Absent: Contreras-Rosado, Pilpel

05-003 Recommendation to approve jurisdiction of complaint filed by Luce Forward, Attorneys at Law, on behalf of Sean Keighran, against Supervisor Maxwell's Office for alleged failure to produce complete records.

Motion to excuse Member Comstock on this subject. (Parker/Knee)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Parker, Nickliss
Nays: Williams
Absent: Contreras-Rosado

Motion to grant jurisdiction. (Cauthen/Sterner)
Ayes: Craven, Knee, Cauthen, Sterner, Pilpel, Jenkins, Parker, Nickliss,
Nays: Williams
Absent: Contreras-Rosado,
Excused: Comstock

05-004 Recommendation to approve jurisdiction of complaint filed by Cheryl Brinkman, Pat Christensen, and Sue Vaughn against the Golden Gate Park Concourse Authority regarding alleged failure provide documents prior to a meeting.

Motion to grant jurisdiction. (Cauthen/Nickliss)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Parker, Nickliss, Williams
Nays: None
Absent: Contreras-Rosado

05-005 Recommendation to approve jurisdiction of complaint of Joseph Engler against the San Francisco Police Department regarding alleged failure to produce complete records

Motion to grant jurisdiction. (Cauthen/Nickliss)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Nickliss
Nays: Parker, Williams
Absent: Contreras-Rosado

05-006 Recommendation to approve jurisdiction of an Anonymous Person against the Ethics Commission regarding alleged failure to properly notice a meeting.

Motion to excuse Member Pilpel on this subject. (Parker/Nickliss)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Parker, Nickliss, Williams
Nays: none.
Absent: Contreras-Rosado

Motion to grant jurisdiction. (Cauthen/Nickliss)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Jenkins, Parker, Nickliss, Williams
Nays: None
Absent: Contreras-Rosado
Excused: Pilpel

5. 05-002 Public Hearing, complaint filed by Luce Forward, Attorneys at Law, on behalf of Joe Cassidy, against Supervisor Maxwell's Office for alleged failure to produce complete records.

William Marchant, Luce, Forward, Hamilton & Scripps LLP, complainant
Greg Asay, aide to Supervisor Maxwell, city representative
Joe Cassidy, complainant, Rebuttal
Public Comment: Sean Keighran; Francisco De Costa; Dave O'Keith.

Motion to dismiss the complaint based on a finding that the allegations have not been proven. However, the Sunshine Ordinance Task Force urges Supervisor Maxwell to comply with the spirit and intent of Open Government and retain e-mails, phone logs, and documents related to proposed legislation. (Sterner/Knee)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Nickliss
Nays: Jenkins, Parker, Williams
Absent: Contreras-Rosado

6. 05-003 Public Hearing, complaint filed by Luce Forward, Attorneys at Law, on behalf of Sean Keighran, against Supervisor Maxwell's Office for alleged failure to produce complete records.

Sean Keighran, complainant
Greg Asay, aide to Supervisor Maxwell, city representative
Ernest Lorrento, Deputy City Attorney
William Marchant, Luce, Forward, Hamilton & Scripps LLP, rebuttal
Public Comment: Lauren Lat; Dave O'Keith; Joe Cassidy.
Received from Sean Keighran, untitled document, and filed.
Received from Lauren Lat, Documents Produced document, and filed.

No action taken

7. 05-004 Public Hearing, complaint filed by Cheryl Brinkman, Pat Christensen, and Sue Vaughn against the Golden Gate Park Concourse Authority regarding alleged failure provide documents prior to a meeting.

Sue Vaughn, complainant
Mike Elsey, Executive Director, Golden Gate Park Concourse Authority, city representative
Cheryl Brinkman, rebuttal
Public Comment: Chris Keysetan; Bruce Wolfe.
Received from Bruce Wolfe, Brinkman et al v GGPCA document, and filed.

Motion to find that the Golden Gate Park Concourse Authority violated Section 67.6(f) of the Sunshine Ordinance by failing to state in the Notice of Special Meeting/Agenda that the Environmental Impact Report Addendum would be considered during the deliberations of the GGPCA. In addition, this order will be referred to the Board of Supervisors, Ethics Commission, and the Recreation and Parks Commission. (Parker/Knee)
Ayes: Craven, Knee, Sterner, Comstock, Pilpel, Jenkins, Parker, Nickliss, Williams
Nays: none.
Absent: Contreras-Rosado, Cauthen

8. 05-005 Public Hearing, complaint filed by Joseph Engler against the San Francisco Police Department regarding alleged failure to produce complete records.

Sgt. Joseph Engler, SF Police, complainant
Sgt. William Goggan, SF Police, city representative
Edgardo Martinez, SF Police, city representative
Public Comment: none.

Motion to find that the San Francisco Police Department violated Sections 67.21(b), 67.24(c), and 67.27(a)(d) by failing to disclose the Lt.'s list in unredacted form and the secondary list that was also used in appointment process. This order shall be forwarded to the Civil Service and Police Commissions. (Comstock/Knee)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Parker, Nickliss, Williams
Nays: none.
Absent: Contreras-Rosado

9. 05-006 Public Hearing, complaint filed by an Anonymous Person against the Ethics Commission regarding alleged failure to properly notice a meeting.

Public Comment: Marc Salomon.

Motion to continue. (Comstock/Sterner)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Jenkins, Nickliss, Williams
Nays: Parker
Absent: Contreras-Rosado
Excused: Pilpel

10. Report from Compliance & Amendments Committee meeting of January 12, 2005.

Member Knee made the report.

11. Report from Public Education and Information Committee meeting of January 13, 2005.

Member Parker made the report.

12. Report from the Ad Hoc Committee meeting of January 11, 2005

Member Nickliss made the report.

05-008 Discussion and consideration of draft memorandum to the City College Governing Board pertaining to Proposition 59 and how it should guide the City College Board of Trustees in their efforts to comply with the requirements of the Sunshine Ordinance.

Motion to accept memorandum with pending amendments without objections. (Nickliss/_____)
(Without Objection)

13. Administrator's Report for December.

Interim Administration Adele Destro made the report.

14. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible.

Speakers: Francisco Da Costa.

15. Announcements, questions, and future agenda items from the Task Force. Received from Member Pilpel, Sunshine Training for Communications Division document, and filed.

Adjournment: The meeting adjourned at 9:45 p.m.

The Next Regular Meeting February 22, 2005

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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	Other parties present facts and evidence	Up to 3 minutes each
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	Other parties of City respond	Up to 3 minutes each
Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses)	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to, if a speaker is interrupted by questions, the interruption does not count against his/her time.

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SUNSHINE ORDINANCE TASK FORCE

AGENDA

Tuesday, February 22, 2005

4:00 p.m., City Hall, Room 408

SF
S88
#1
2/22/05

Task Force Members

Seat 1	Erica Craven	Seat 8	Garrett Jenkins (Chair)
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss (Vice-Chair)
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

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Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of December 21, 2004. (action item) (5 minutes) (attachment)

2. Approval of minutes of January 25, 2005 (action item) (5 minutes) (attachment)

3. Report from Complaint Committee meeting of February 8, 2005 (Sue Cauthen) (10 min) (attachment)

   05-009 Recommendation to approve jurisdiction of complaint filed by Curtis Eisenberger and Fred Snyder against the Planning Department for alleged failure to produce complete records.

   05-010 Recommendation to approve jurisdiction of complaint filed by Ben Rosenfeld against the Sheriff's Department for alleged failure to produce complete records.

4. 05-006 Continued Public Hearing, complaint filed by an Anonymous Person against the Ethics Commission regarding alleged failure to properly notice a meeting. (action item) (30 min) (attachment)

5 05-009 Public Hearing, complaint filed by Curtis Eisenberger and Fred Snyder against the Planning Department for alleged failure to produce complete records. (action item) (30 min) (attachment)

6. 05-010 Public Hearing, complaint filed by Ben Rosenfeld against the Sheriff's Department for alleged failure to produce complete records. (action item) (30 min) (attachment)

7. Report from Compliance & Amendments Committee meeting of February 9, 2005.(Richard Knee) (10 min) (attachment)

8. Report from Public Education and Information Committee meeting of February 10, 2005. (David Parker) (10 min) (attachment)

9. Report from Ad Hoc Committee (City College) (A. Nickliss) (5 min) (attachment)

10. Administrator's Report for January. (discussion item) (5 min) (attachment)

11. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible. (no action item) (10 min) (no attachment)

12. Announcements, questions, and future agenda items from the Task Force. (no action item) (5 min) (no attachment)

Adjournment **Next Regular Meeting March 22, 2005**

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5.	Matter is with the Task Force for discussion and deliberation	
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Board of Supervisors
Sunshine Ordinance Task Force

February 22, 2005

SUNSHINE ORDINANCE TASK FORCE

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Tuesday, February 22, 2005

4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven	Seat 8	Garrett Jenkins (Chair)
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss (Vice-Chair)
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

Call to Order: The meeting was called to order at 4:00 p.m.

Roll Call: Present: Craven, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Parker (4:26 p.m.), Nickliss. Absent: Knee, Williams.

Agenda Changes: none.

Deputy City Attorney: Ernest Llorente

Clerk: Victor Young

1. Approval of minutes of December 21, 2004.

Motion to approve. (Nickliss/Comstock)

Ayes: Craven, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Nickliss.

Absent: Knee, Parker, Williams.

2. Approval of minutes of January 25, 2005.

Motion to approve. (Nickliss/Comstock)

Ayes: Craven, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Nickliss.

Absent: Knee, Parker, Williams.

3. Report from Complaint Committee meeting of February 8, 2005.

Member Cauthen made the report.

05-009 Recommendation to approve jurisdiction of complaint filed by Curtis Eisenberger and Fred Snyder against the Planning Department for alleged failure to produce complete records.

Motion to grant jurisdiction. (Cauthen/Nickliss)

Ayes: Craven, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Nickliss.

Absent: Knee, Parker, Williams.

05-010 Recommendation to approve jurisdiction of complaint filed by Ben Rosenfeld against the Sheriff's Department for alleged failure to produce complete records.

Motion to grant jurisdiction. (Cauthen/Pilpel)

Ayes: Craven, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Nickliss.

Absent: Knee, Parker, Williams.

4. 05-006 Continued Public Hearing, complaint filed by an Anonymous Person against the Ethics Commission regarding alleged failure to properly notice a meeting.

Marc Salomon, supporting complainant

Bob Planthold, supporting complainant

John St. Croix, Executive Director, Ethics Commission, Department Representative.

Public Comment: Joe Lynn; Ginny Vida, Former Director of the Ethics Commission; David Pilpel, spoke as a member of the public.

Motion adopting findings that the Ethics Commission is in violation of Section 67.6(f) of the Sunshine Ordinance based on inappropriate noticing and mailing to local media and requests referral to the Board of Supervisors for enforcement action. (Comstock/Nickliss)

Aye: Craven, Sterner, Comstock, Jenkins, Parker, Nickliss.

Absent: Knee, Cauthen, Williams.

Excused: Pilpel.

5 05-009 Public Hearing, complaint filed by Curtis Eisenberger and Fred Snyder against the Planning Department for alleged failure to produce complete records.

Curtis Eisenberger, complainant

Fred Snyder, complainant

Philip Lessor, support of complainant

Johnny Jaramillo, Planning Department, City Representative.

Public Comment: Tomas Shuen.

Motion to find that the Planning Department is in violation of Sections 67.21 and 67.25 of the Sunshine Ordinance based on timeliness of response; failure to explain reason for lateness; and urges the Planning Department to rectify the lack of a department Custodian of Records. (Comstock/Nickliss)

Aye: Craven, Sterner, Comstock, Pilpel, Jenkins, Parker, Nickliss.

Absent: Knee, Cauthen, Williams.

6. 05-010 Public Hearing, complaint filed by Ben Rosenfeld against the Sheriff's Department for alleged failure to produce complete records.

Ben Rosenfeld, complainant.

James F. Harringan, Legal Counsel to the Sheriff, City Representative.

Public Comment: Jansen Quian; Barbara Dutch; Johnathan Struvino; Carry Lambauch; John Biola.

Motion to find that the Sheriff's Department is (1) in violation of Sections 67.21, 67.24(b), and 67.27 of the Sunshine Ordinance; (2) that the Sheriff's Department shall release all records which they are not strictly prohibited from releasing in the broadest construal of the Sunshine Ordinance; and (3) with respect to those records from which waivers must be provided, such records shall be released upon receipt of such waivers. (Parker/Nickliss)

Ayes: Craven, Sterner, Comstock, Pilpel, Jenkins, Parker, Nickliss.

Absent: Knee, Cauthen, Williams.

7. Report from Compliance & Amendments Committee meeting of February 9, 2005

Continued to future meeting.

8. Report from Public Education and Information Committee meeting of February 10, 2005.

Member Pilpel made the report.

9. Report from Ad Hoc Committee

No report made.

10. Administrator's Report for January.

Adele Destro, Interim Administrator, Sunshine Ordinance Task Force, made the report.

11. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible.

Speakers:

Marc Salomon; budget for the Sunshine Ordinance Task Force

Joe Lynn; Sunshine Ordinance Training for city departments

12. Announcements, questions, and future agenda items from the Task Force.

Request to send a letter of concern to the elections Commission concerning public comment.

Chair Jenkins announce his intention to resign.

Adjournment: 9:24 p.m. **Next Regular Meeting March 22, 2005**

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SUNSHINE ORDINANCE TASK FORCE

AGENDA

Tuesday, March 22, 2005

4:00 p.m., City Hall, Room 408

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SF
S88
#1
3/22/05

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Call to Order
Roll Call
Agenda Changes

1. Election of Chair: (Garrett Jenkins is resigning from his position as Chair of the SOTF effective March 21, 2005, and resigning from the Task Force at the conclusion of the March 22, 2005 meeting.)
(action item) (15 minutes)

2. Approval of minutes of February 22, 2005 (action item) (5 minutes)
(attachment)

3. Discussion of staffing the SOTF Administrator position.
(possible action item) (no attachment)

4. Report from Complaint Committee meeting of March 8, 2005
(Sue Cauthen) (10 min) (attachment)

05-011 Recommendation to approve jurisdiction of complaint filed by Dr. Ahimsa Porter Sumchai against Supervisor Maxwell for alleged inadequate proper

noticing of the December 6, 2004 Land Use Committee meeting pertaining to the 14 items relating to the Hunters Point Shipyard; and inadequate public comment. (attachment)

05-013 Recommendation to approve jurisdiction of complaint filed by Joseph Engler against the San Francisco Police Department regarding alleged willfully refusing to provide public documents. (attachment)

5. 05-011 Public Hearing, complaint filed by Dr. Ahimsa Porter Sumchai against Supervisor Maxwell for alleged inadequate proper noticing of the December 6, 2004 Land Use Committee meeting pertaining to the 14 items relating to the Hunters Point Shipyard; and inadequate public comment. (action item) (30 min) (attachment)

6. 05-013 Public Hearing, complaint filed by Joseph Engler against the San Francisco Police Department regarding alleged willfully refusing to provide public documents. (action item) (30 min) (attachment)

7. Report from Compliance & Amendments Committee meeting of March 9, 2005.(Richard Knee) (10 min) (attachment)

8. Report from Public Education and Information Committee meeting of March 10, 2005. (David Parker) (10 min) (attachment)

9. Report from Ad Hoc Committee meeting of February 28, 2005 (City College) (A. Nickliss) (5 min) (attachment)

10. Administrator's Report for February. (discussion item) (5 min) (attachment)

11. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible. (no action item) (10 min) (no attachment)

12. Announcements, questions, and future agenda items from the Task Force. (no action item) (5 min) (no attachment)

Adjournment **Next Regular Meeting April 26, 2005**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

1.	Complainant presents his/her facts and evidence	5 minutes
	Other parties present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses)	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to, if a speaker is interrupted by questions, the interruption does not count against his/her time.

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Sunshine Ordinance Task Force

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SUNSHINE ORDINANCE TASK FORCE

MINUTES

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Tuesday, March 22, 2005

4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven	Seat 8	Garrett Jenkins (Chair)
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Alexandra Nickliss (Vice-Chair)
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

Call to Order: The meeting was called to order at 4:00 p.m.
Roll Call: Present: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Parker, Nickliss, Williams.
Agenda Changes: Item 2 heard out of order.

Deputy city Attorney: Ernest Llorente
Clerk: Victor Young

1. Election of Chair:
Nominations: Doug Comstock (Cauthen/Jenkins)

Appointing Doug Comstock as chair of the Sunshine Ordinance Task Force.

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Parker, Nickliss, Williams.

2. Approval of minutes of February 22, 2005.

Amended and continued to next meeting.

3. Discussion of staffing the SOTF Administrator position.

Speakers: Gloria L. Young, Clerk of the Board, spoke on the Office of the Clerk of the Board absorbing the duties of the Administrator and support

provided is the equivalent of a fulltime position.

4. Report from Complaint Committee meeting of March 8, 2005

Member Cauthen made the report.

05-011 Recommendation to approve jurisdiction of complaint filed by Dr. Ahimsa Porter Sumchai against Supervisor Maxwell for alleged inadequate proper noticing of the December 6, 2004 Land Use Committee meeting pertaining to the 14 items relating to the Hunters Point Shipyard; and inadequate public comment.

Speakers: Dr. Ahimsa Porter Sumchai.

Motion to grant jurisdiction. (Cauthen/Knee)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Parker, Nickliss, Williams.

05-013 Recommendation to approve jurisdiction of complaint filed by Joseph Engler against the San Francisco Police Department regarding alleged willfully refusing to provide public documents.

Speakers: none.

Motion to grant jurisdiction. (Cauthen/Jenkins)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Jenkins, Parker, Nickliss, Williams.

5. 05-011 Public Hearing, complaint filed by Dr. Ahimsa Porter Sumchai against Supervisor Maxwell for alleged inadequate proper noticing of the December 6, 2004 Land Use Committee meeting pertaining to the 14 items relating to the Hunters Point Shipyard; and inadequate public comment.

Dr. Ahimsa Porter Sumchai, complainant
Madeleine Licavoli, Deputy Clerk, Board of Supervisors

Motion to find that there was no violation of the Sunshine Ordinance. However, pursuant to Sunshine Ordinance 67.3(c) a letter shall be directed to the Board of Supervisors urging them to refrain from "bundling" of legislative matters at Board and Committee Meetings. (Knee/Cauthen)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Parker, Williams
Absent: Nickliss
Excused: Jenkins

6. 05-013 Public Hearing, complaint filed by Joseph Engler against the San Francisco Police Department regarding alleged willfully refusing to provide public documents.

Speakers: Joseph Engler, complainant, and Lt. Doug Groshong, Police

Department

Motion to find that the Police Department may have violated 67.24(c) of the Sunshine Ordinance by its over broad application of Penal Code 832.7 and 832.8, which prohibits the release of Police Personnel Records, in this case when the release of some of the information would not specifically harm any job applicant to the Police Department. The Task Force urges the Police Department to apply Penal Code 832.7 and 832.8 as narrowly as possible. The people have the right to know the qualification and education of those in all City departments. (Parker/Knee)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Parker, Williams; Noes. Pilpel; Absent: Nickliss; Excused: Jenkins

7. Report from Compliance & Amendments Committee meeting of March 9, 2005.

Member Knee made the report.

8. Report from Public Education and Information Committee meeting of March 10, 2005.

Member Parker made the report.

9. Report from Ad Hoc Committee meeting of February 28, 2005

Continued to the next meeting.

10. Administrator's Report for February.

Adele Destro, Interim Administrator, made the report.

11. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible.

Speakers: none.

12. Announcements, questions, and future agenda items from the Task Force.

Adjournment **The meeting adjourned at 8:25 p.m.**

Board of Supervisors
Sunshine Ordinance Task Force

April 26, 2005

Click on the file numbers below to obtain background materials. These files are provided in PDF format, and you must have the Adobe Acrobat Reader to access them. Click here for info about obtaining Acrobat (it's free).

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SF
S88
#1
4/26/05

SUNSHINE ORDINANCE TASK FORCE

AGENDA

Tuesday, April 26, 2005

4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven	Seat 8	Vacant
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Vacant
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock, Chair	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force, Room 244.

Call to Order

Roll Call
Agenda Changes

1. Election of Vice-Chair. (action item) (15 minutes)

2. Approval of minutes of February 22, 2005 and March 22, 2005. (action item) (5 minutes) (attachment)

3. Report from Complaint Committee meeting of April 12, 2005.

(Sue Cauthen) (10 min) (attachment)

05-007 Revision of the Public Complaint Procedure

4. Report from Compliance & Amendments Committee meeting of

April 13, 2005. (Richard Knee) (10 min) (attachment)

5. Report from Public Education and Information Committee meeting of

April 14, 2005. (David Parker) (10 min) (attachment)

6. Report from Ad Hoc Committee. (City College) (D. Pilpel) (5 min) (no attachment)

7. Discussion of member or public making harassing or discriminatory comments at a public meeting. (Comstock) (5 min) (discussion and possible action) (no attachment)

8. Administrator's Report for March. (discussion item) (5 min) (attachment)

9. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible. (no action item) (10 min) (no attachment)

10. Announcements, questions, and future agenda items from the Task Force. (no action item) (5 min) (no attachment)

Adjournment **Next Regular Meeting May 24, 2005**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each

Above total speaking time for Complainant and City to be the same

3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses)	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

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SUNSHINE ORDINANCE TASK FORCE
Minutes

Tuesday, April 26, 2005
4:00 p.m., City Hall, Room 408

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Task Force Members

Seat 1	Erica Craven	Seat 8	Vacant
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Vacant
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock, Chair	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

SF
S88
#2
4/26/05

Call to Order: **The meeting was called to order at 4:07 p.m.**
Roll Call: **Present: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Williams**
Absent: Parker
Agenda Changes: none

Deputy City Attorney: Ernest Llorente
Clerk: Adele Destro

1. Election of Vice-Chair to serve through May 24, 2005.

   Motion to nominate Member Sterner. (Pilpel/Knee)
   Motion to nominate Member Craven. (Comstock/Sterner)
   Public Comment: No speaker.
   Votes for Sterner: Cauthen, Pilpel
   Votes for Craven: Craven, Knee, Sterner, Comstock, Williams
   Absent: Parker

2. Approval of minutes of February 22, 2005 and March 22, 2005.

   Motion to approve February 22, 2005 minutes as amended, and March 22, 2005. (Pilpel/Knee)
   Public Comment: No speaker
   Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Williams
   Absent: Parker

3. Report from Complaint Committee meeting of April 12, 2005.

05-007 Revision of the Public Complaint Procedure

Motion to accept the complaint procedure as amended. (Cauthen/Williams)
Public Comment: No Speaker
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Williams
Absent: Parker

4. Report from Compliance & Amendments Committee meeting of April 13, 2005.

Discussed status of Order of Determination for Rosenfeld v Sheriff's Department, purchasing procedure, and Sunshine Ordinance possible amendments.
Public Comment: No speaker.
No action taken.

5. Report from Public Education and Information Committee meeting of April 14, 2005.

Discussed outreach programs.
Public Comment: No speaker
No action taken.

6. Report from Ad Hoc Committee.

Announced next meeting is May 4, 2005 at 3:00 p.m.
Public Comment: No speaker.
No action taken.

7. Discussion of member or public making harassing or discriminatory comments at a public meeting.

Motion to send a letter to Mayor Newsom (Pilpel/Cauthen)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Williams
Absent: Parker

Motion to send a letter to SFGTV/DTIS inquiring about its policy for archiving video taped meetings and to DHR about why a request was made to SFGTV to remove the video meeting. (Pilpel/Knee)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Williams
Absent: Parker

Public Comment: No speaker.

8. Administrator's Report for March.

Discussed potential complaint log, 2004 Annual Report and certificate of honor.

Motion to send the 2004 Annual Report to the Board and Mayor as amended.
Public Comment: No Speaker
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Williams
Absent: Parker

9. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible.

No speaker.

10. Announcements, questions, and future agenda items from the Task Force.

Announced public noticing survey.

Adjournment **Meeting adjourned at 6:10 p.m.**

Board of Supervisors
Sunshine Ordinance Task Force

May 24, 2005

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SUNSHINE ORDINANCE TASK FORCE

AGENDA

4/05

Tuesday, May 24, 2005

4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven (Vice Chair)	Seat 8	Vacant
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Vacant
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock (Chair)	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

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Call to Order

Roll Call
Agenda Changes

1. Approval of minutes of April 26,2005. (action item) (5 minutes) (attachment)

2. Election of Officers. (action item) (15 minutes)

   A. Chair
   B. Vice Chair

3. Discussion of Public Noticing and Hearings.

(Discussion and possible action) (Gloria Young) (10 minutes) (attachment)

4. Report from Complaint Committee meeting of May 10, 2005.

(Sue Cauthen) (10 min) (attachment)

05015 Recommendation to approve jurisdiction of complaint filed by John Darmanin against the SF Fire Commission for alleged refused public comment.

05016 Recommendation to approve jurisdiction of complaint filed by John Darmanin against the SF Fire Commission for alleged seriatim meeting rule by the Chair and two other members of the SF Fire Commission and for the Task Force to review the current practice of terminating discussions of Commission members prior to a vote.

05017 Recommendation to approve jurisdiction of complaint filed by John Kelly against the Office of the Treasurer/Tax Collector for alleged wrongfully and unlawfully failing to produce the requested information, records, written communications and memoranda.

5. 05015 Public Hearing, complaint filed by John Darmanin against the SF Fire Commission for alleged refused public comment.

(discussion and possible action) (30 minutes) (attachment)

6. 05016 Public Hearing, complaint filed by John Darmanin against the SF Fire Commission for alleged seriatim meeting rule by the Chair and two other members of the SF Fire Commission.

(discussion and possible action) (30 minutes) (attachment)

7. 05017 Public Hearing, complaint filed by John Kelly against the Office of the Treasurer/Tax Collector for alleged wrongfully and unlawfully failing to produce the requested information, records, written communications and memoranda.

(discussion and possible action) (30 minutes) (attachment)

8. Report from Compliance & Amendments Committee meeting of

May 11, 2005. (Richard Knee) (10 min) (attachment)

05013 Recommendation the Task Force refer the Order of Determination of Ben Rosenfeld against the Sheriff's Department to the Ethics Commission.

9. 05013 Discussion of the Order of Determination of Ben Rosenfeld against the Sheriff's Department to the Ethics Commission.

(discussion and possible action) (10 min) (attachment)

10. Report from Public Education and Information Committee meeting of

May 12, 2005. (David Parker) (10 min) (no attachment)

11. Report from Ad Hoc Committee (City College) meeting of May 4, 2005.

(David Pilpel) (5 min) (attachment)

12. Continued discussion of member or public making harassing or discriminatory comments at a public meeting. (Comstock) (5 min) (discussion and possible action) (attachment)

13. Discussion of the SOTF proposed budget.

(Comstock) (discussion and possible action) (5 min) (no attachment)

14. Administrator's Report for April. (discussion item) (5 min) (attachment)

15. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible. (no action item) (10 min) (no attachment)

16. Announcements, questions, and future agenda items from the Task Force. (no action item) (5 min) (no attachment)

Adjournment **Next Regular Meeting June 28, 2005**

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3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses)	
5.	Matter is with the Task Force for discussion and deliberation	

6. Vote by Task Force

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SUNSHINE ORDINANCE TASK FORCE
Minutes
Tuesday, May 24, 2005
4:00 p.m., City Hall, Room 408

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Task Force Members

Seat 1	Erica Craven (Vice Chair)	Seat 8	Vacant
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Vacant
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock (Chair)	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

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/24/05

Call to Order — **The meeting called to order at 4:00 p.m.**
Roll Call — **Present: Craven (arrived 4:07), Knee, Cauthen, Sterner, Comstock, Pilpel, Parker, Williams**

Agenda Changes — **None**

City Attorney: — **Ernie Llorente**
Clerk: — **Adele Destro**

1. Motion to approve of minutes of April 26,2005. (Knee/Parker)
Public Comment: John Darmanin, review minutes
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Parker, Williams

2. Election of Officers.

A. Chair: Member Comstock (Knee/Sterner)
Public Comment: None
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Parker, Williams

B. Vice Chair: Member Craven (Sterner/Williams)
Public Comment: Lurilla Harris, regarding procedure
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Parker, Williams

3. Discussion of Public Noticing and Hearings.

Speaker: Gloria L. Young, Clerk of the Board spoke on the Board of

Supervisors public noticing and hearings. Lurilla Harris, options to access noticing. John Darmanin, options to access noticing.

Motion to recuse Member Craven. (Pilpel/Knee)
Public Comment: None
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Parker, Williams

Motion to refer to Public Education and Information Committee, without objection.

4. Report from Complaint Committee meeting of May 10, 2005.

Member Cauthen made the report.

05015 Recommendation to approve jurisdiction of complaint filed by John Darmanin against the SF Fire Commission for alleged refused public comment.

Speaker: John Darmanin, in support of jurisdiction
Motion to accept jurisdiction. (Sterner/Pilpel)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Parker, Williams

05016 Recommendation to approve jurisdiction of complaint filed by John Darmanin against the SF Fire Commission for alleged seriatim meeting rule by the Chair and two other members of the SF Fire Commission and for the Task Force to review the current practice of terminating discussions of Commission members prior to a vote.

Speaker: John Darmamin, in support of jurisdiction.

Motion to separate request, without objection.

Motion to accept jurisdiction. (Comstock/Knee)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Parker, Williams

Motion for Task Force to review the current practice of terminating discussions of Commission Members prior to a vote. (Cauthen/Pilpel)
Ayes: Craven, Knee Cauthen, Sterner, Comstock, Pilpel, Williams
Noes: Parker

05017 Recommendation to approve jurisdiction of complaint filed by John Kelly against the Office of the Treasurer/Tax Collector for alleged wrongfully and unlawfully failing to produce the requested information, records, written communications and memoranda.

Speakers: None
Motion to accept jurisdiction. (Cauthen/Pilpel)
Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Parker, Williams

5. 05015 Public Hearing, complaint filed by John Darmanin against the SF Fire Commission for alleged refused public comment.

Speakers: John Darmanin, Complainant, Deputy Chief Gary Musatani, Fire Department, Commission Goldman, Fire Commission
Motion to defer after hearing Item #7, without objection.

Motion to continue, without objection.

6. 05016 Public Hearing, complaint filed by John Darmanin against the SF Fire Commission for alleged seriatim meeting rule by the Chair and two other members of the SF Fire Commission.

Speakers: John Darmanin, Complainant, Deputy Chief Gary Musatani, Fire Department, Commission Goldman, Fire Commission
Motion to defer after hearing Item #7, without objection.

Motion to continue, without objection.

7. 05017 Public Hearing, complaint filed by John Kelly against the Office of the Treasurer/Tax Collector for alleged wrongfully and unlawfully failing to produce the requested information, records, written communications and memoranda.

Speakers: John Kelly, Complainant, David Augustine, Office of the Treasurer/Tax Collector.

Motion finding the Office of the Treasurer/Tax Collector violated Sections 67.21, by the failure to disclose the Notices of Violation. Further, when the enforcement action and investigation are concluded, meaning there is no concrete and definite prospect of an additional enforcement action, the investigative files should be released. Failure to do so would be in violation of Sections 67.24 (d)(g) & (i). (Craven/Knee)

Ayes: Craven, Knee, Comstock, Pilpel, Parker, Williams
Absent: Cauthen, Sterner

8. Report from Compliance & Amendments Committee meeting of May 11, 2005.

05013 Member Knee made the report.

Recommendation the Task Force refer the Order of Determination of Ben Rosenfeld against the Sheriff's Department to the Ethics Commission.

9. 05013 Discussion of the Order of Determination of Ben Rosenfeld against the Sheriff's Department to the Ethics Commission.

Motion to refer the Order of Determination of Ben Rosenfeld against the Sheriff's Department to the Ethics Commission.

Speakers: None

Ayes: Craven, Knee, Comstock, Pilpel, Parker, Williams
Absent: Cauthen, Sterner

10. Report from Public Education and Information Committee meeting of May 12, 2005.

Meeting cancelled, no report.
Discussed alternative meeting day and/or time for Public Education and Information Committee.

11. Report from Ad Hoc Committee (City College) meeting of May 4, 2005.

Member Pilpel made the report.

Speakers: None
Motion to accept recommendation to send letter to Board of Trustees urging to adopt the resolution, without objection.

12. Continued discussion of member or public making harassing or discriminatory comments at a public meeting.

Item continued to next meeting.

Discussion of the SOTF proposed budget.
13. Item taken out of order and heard after Item #3.
Speaker: Gloria Young. Clerk of the Board

Discussion to change first sentence of draft memo to Budget Committee.
14. Administrator's Report for April.

Adele Destro, Interim Administrator made the report.

15. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible.

Speakers: None

16. Announcements, questions, and future agenda items from the Task Force.

Speaker: Nick Mueller, new SOTF appointee for Seat 10

Follow-up with Jill Lerner, Index of Records Updates

Adjournment **Meeting adjourned at 7:25 p.m.**

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force.

Sunshine Ordinance Task Force

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7724
Fax No. 554-7854
TDD/TTY No. 544-5227

http://www.sfgov.org/sunshine/

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SUNSHINE ORDINANCE TASK FORCE
AGENDA
Tuesday, June 28, 2005
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven (Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Nick Mueller
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock (Chair)	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

SF
588
#1
6/28/05

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force, Room 244.

Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of May 24,2005. (action item) (5 minutes) (attachment)

2. Report from Complaint Committee meeting of June 14, 2005. (Sue Cauthen) (10 min) (attachment)

   05018 Recommendation to accept jurisdiction of complaint filed by John Darmanin against the SF Fire Commission for alleged denial of public comment on an item not agendized.

   05019 Recommendation to accept jurisdiction of complaint filed by John Kelly against the SF Police Department for alleged failure to respond to request for clarification and supplemental records.

   05020 Recommendation to accept jurisdiction of complaint filed by John Kelly against the Controller's Office for alleged failure to respond to request for clarification and supplemental records.

3. 05015 Continued public hearing, complaint filed by John Darmanin against the SF Fire Commission for alleged refused public comment.

(discussion and possible action) (30 minutes) (attachment)

4. 05016 Continued public hearing, complaint filed by John Darmanin against the SF Fire Commission for alleged seriatim meeting rule by the Chair and two other members of the SF Fire Commission.
(discussion and possible action) (30 minutes) (attachment)

5. 05018 Public Hearing, complaint filed by John Darmanin against the SF Fire Commission for alleged denial of public comment on an item not agendized. (discussion and possible action) (30 minutes) (attachment)

6. Report from Compliance & Amendments Committee meeting of June 8, 2005. (Richard Knee) (10 min) (attachment)

7. Report from Public Education and Information Committee meeting of June 9, 2005. (David Parker) (10 min) (no attachment)

8. Continued discussion of member or public making harassing or discriminatory comments at a public meeting. (Comstock) (5 min) (discussion and possible action) (no attachment)

9. Discussion of Charter Amendment -Authorizing City departments, including the Board of Supervisors, to post notices on the department's web site rather than publishing them in the official newspaper. (5 min) (discussion and possible action) (attachment)

10. Discussion of Charter Amendment - Minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records. (5 min) (discussion and possible action) (attachment)

11. Administrator's Report for April. (discussion item) (5 min) (no attachment)

12. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible. (no action item) (10 min) (no attachment)

13. Announcements, questions, and future agenda items from the Task Force. (no action item) (5 min) (no attachment)

Adjournment **Next Regular Meeting July 26, 2005**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

1.	Complainant presents his/her facts and evidence	5 minutes
	Other parties present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses)	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to, if a speaker is interrupted by questions, the interruption does not count against his/her time.

Disability Access: The hearing room is wheelchair accessible.

Chemical-Based Products: In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Cell phones, pagers and similar sound-producing electronic devices : The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415 554 7724; by fax at 415 554 7854; or by email at sotf@sfgov.org.

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, http://www.sfgov.org/sunshine/

Lobbyist Registration & Reporting Requirements

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Board of Supervisors
Sunshine Ordinance Task Force

June 28, 2005

SUNSHINE ORDINANCE TASK FORCE

MINUTES

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Tuesday, June 28, 2005

4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven (Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Nick Mueller
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock (Chair)	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force, Room 244.

Call to Order The meeting called to order at 4:05 p.m.

Roll Call Present: Craven (arrived at 4:07 p.m.), Knee, Cauthen, Sterner, Comstock, Pilpel (arrived at 4:07 p.m.), Wolfe, Parker (arrived at 4:25 p.m.), Mueller, Williams

Agenda Changes None

1. Motion to approve of minutes of May 24, 2005. (Cauthen/Mueller)

Speakers: None

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller, Williams

Absent: Parker

2. Report from Complaint Committee meeting of June 14, 2005.

Member Cauthen made the report.

05018 Recommendation to accept jurisdiction of complaint filed by John Darmanin against the SF Fire Commission for alleged denial of public comment on an item not agendized.

Speakers: None

Motion to accept jurisdiction of compliant filed by John Darmanin against the San Francisco Fire Commission for alleged denial of public comment on an item no agendized. (Cauthen/Knee)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller, Williams

Absent: Parker

05019 Recommendation to accept jurisdiction of complaint filed by John Kelly against the SF Police Department for alleged failure to respond to request for clarification and supplemental records.

Speakers: None

Motion to accept jurisdiction of compliant filed by John Kelly against the San Francisco Police Department for alleged failure to respond to request for clarification and supplemental records. (Cauthen/Knee)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller, Williams

Absent: Parker

05020 Recommendation to accept jurisdiction of complaint filed by John Kelly against the Controller's Office for alleged failure to respond to request for clarification and supplemental records. (Cauthen/Sterner)

Speakers: None

Motion to accept jurisdiction of compliant filed by John Kelly against the Controller's Office for alleged failure to respond to request for clarification and supplemental records.

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller,

Absent: Parker, Williams

3. 05015 Continued public hearing, complaint filed by John Darmanin against the SF Fire Commission for alleged denied public comment.

Speakers: John Darmanin, Complainant, Lorri Kalos, Assistant Deputy Director, Fire Department

Motion to continue the hearing to July or August and that the Sunshine Ordinance Task Force asks the Board of Supervisors to compel the President of the Fire Commission Paul Conroy to attend the hearing. If President Conroy does not appear by August, the

Commissioner Secretary is required to appear. (Cauthen/Parker)

Ayes: Cauthen, Comstock, Wolfe, Mueller, Parker, Williams

Noes: Craven, Knee, Sterner, Pilpel

4. 05016 Continued public hearing, complaint filed by John Darmanin against the SF Fire Commission for alleged seriatim meeting rule by the Chair and two other members of the SF Fire Commission.

Speaker: John Darmanin, Complainant

Motion to continue items #4 and #5 and that the Sunshine Ordinance Task Force asks the Board of Supervisors to compel the President of the Fire Commission Paul Conroy to attend the hearing. If President Conroy does not appear by August, the Commissioner Secretary is required to appear. (Craven/Pipel)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Parker, Mueller, Williams

5. 05018 Public Hearing, complaint filed by John Darmanin against the SF Fire Commission for alleged denial of public comment on an item not agendized.

Speaker: John Darmanin, Complainant

Motion to continue items #4 and #5 and that the Sunshine Ordinance Task Force asks the Board of Supervisors to compel the President of the Fire Commission Paul Conroy to attend the hearing. If President Conroy does not appear by August, the Commissioner Secretary is required to appear. (Craven/Pipel)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Parker, Mueller, Williams

6. Report from Compliance & Amendments Committee meeting of

June 8, 2005.

Member Knee made the report.

Discussed on the possible amendments to the Sunshine Ordinance.

Speakers: None

7. Report from Public Education and Information Committee meeting of

June 9, 2005.

Meeting cancelled, no report.

Discussed the time of future meetings.

Speakers: None

8. Continued discussion of member or public making harassing or discriminatory comments at a public meeting.

Speakers: None

Motion to send letter to the Mayor's Office and the Department of Telecommunications and Information Services requesting their attendance at the full Task Force meeting pursuant to Section 6730(c) and that a copy of the letter is to be sent to the Board of Supervisors.

Without objection.

9. Discussion of Charter Amendment -Authorizing City departments, including the Board of Supervisors, to post notices on the department's web site rather than publishing them in the official newspaper.

Motion to recuse Member Craven, without objection.

Speakers: None

Motion to urge the Board of Supervisor's Rules Committee and subsequently the Board of Supervisors if sent to the full Board, not to place this Charter Amendment, particularly with respect to the posting and publication requirements, and request that there be further discussions with the Task Force and other interested parties prior to consideration of a Charter Amendment regarding notices. (Pilpel/Knee)

Ayes: Knee, Cauthen, Sterner, Pilpel, Wolfe, Mueller

Noes: Comstock

Absent: Parker, Williams

Previously Recused: Craven

10. Discussion of Charter Amendment - Minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records. (5 min) (discussion and possible action) (attachment)

Item taken out of order and heard after item #8.

Speaker: None

Because of the diverse backgrounds of Members of the Sunshine Ordinance Task Force and the difficulty of finding devoted experienced advocates of open government to serve on the body, the Sunshine Ordinance Task Force urges Members of the Board of Supervisor's Rules Committee and subsequently, if moved to the full Board, urges Members of the Board of Supervisors to vote against the "Minimum Qualifications" Charter Amendment File No. 050925. And the Task Force urges the Rules Committee to exercise their existing ability to scrutinize applicants to Boards, Commissions and other bodies.

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Parker, Mueller

Absent: Williams

11. Administrator's Report for April.

Adele Destro, Interim Administrator made the report.

12. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible.

Speakers: None

13. Announcements, questions, and future agenda items from the Task Force.

Speakers: None

Requested updated report on the status of the Index of Records.

Discussed possible date and time of future Pubic Education and Information Committee meetings.

Adjournment **Meeting adjourned at 7:20 p.m.**

This meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force.

Board of Supervisors
Sunshine Ordinance Task Force

July 26, 2005

SUNSHINE ORDINANCE TASK FORCE

AGENDA

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Tuesday, July 26, 2005

4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven (Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Nick Mueller
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock (Chair)	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force, Room 244.

Call to Order

Roll Call
Agenda Changes

1. Approval of minutes of June 28,2005. (action item) (5 minutes) (attachment)

2. Special recognition. (no action item) (5 minutes) (no attachment)

3. Report from Complaint Committee meeting of July 12, 2005.

   (Sue Cauthen) (10 min) (attachment)

   05022 Recommendation to accept jurisdiction of complaint filed by Micki Jones against the SF Fire Department for alleged refusal to release copies of reports, documentation, and whatever determination as a result of Investigative Service Bureau's investigation.

	05023	Recommendation to accept jurisdiction of complaint filed by Dr. Nataraj Akkiraju against the Public Utilities Commission for alleged failure to release unredacted 5 pages of requested engineering report.
4.	05019	Public Hearing, complaint filed by John Kelly against the SF Police Department for alleged failure to respond to request for clarification and supplemental records. (attachment)
5.	05015	Continued public hearing, complaint filed by John Darmanin against the SF Fire Commission for alleged refused public comment. (discussion and possible action) (30 minutes) (attachment)
6.	05016	Continued public hearing, complaint filed by John Darmanin against the SF Fire Commission for alleged seriatim meeting rule by the Chair and two other members of the SF Fire Commission. (discussion and possible action) (30 minutes) (attachment)
7.	05018	Public Hearing, complaint filed by John Darmanin against the SF Fire Commission for alleged denial of public comment on an item not agendized. (discussion and possible action) (30 minutes) (attachment)
8.	05022	Public Hearing, complaint filed by Micki Jones against the SF Fire Department for alleged refusal to release copies of reports, documentation, and whatever determination as a result of Investigative Service Bureau's investigation. (attachment)
9.		Report from Compliance & Amendments Committee meeting ofJuly 13, 2005. (Richard Knee) (10 min) (attachment)
10.		Report from Public Education and Information Committee meeting of July 13, 2005. (David Pilpel) (10 min) (attachment)
11.		Administrator's Report for July. (discussion item) (5 min) (attachment)
12.		Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible. (no action item) (10 min) (no attachment)
13.		Announcements, questions, and future agenda items from the Task Force. (no action item) (5 min) (no attachment)

Adjournment **Next Regular Meeting August 23, 2005**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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	Other parties present facts and evidence	Up to 3 minutes each

2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each

Above total speaking time for Complainant and City to be the same

3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses)	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to, if a speaker is interrupted by questions, the interruption does not count against his/her time.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415 554 7724; by fax at 415 554 7854; or by email at sotf@sfgov.org.

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Board of Supervisors
Sunshine Ordinance Task Force

July 26, 2005

SUNSHINE ORDINANCE TASK FORCE

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Tuesday, July 26, 2005

4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven (Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Nick Mueller
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock (Chair)	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

Call to Order The meeting called to order at 4:13 p.m.

Roll Call Present: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel,

Wolfe, Parker (arrived at 5:01 p.m.) Mueller, Williams (excused)
Agenda Changes None

Deputy City Attorney: Ernie Llorente

Committee Clerk: Linda Wong

1. Approval of minutes of June 28,2005.

Speakers: None

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller

Absent: Parker

Excused: Williams

2. Special recognition.

A Certificate of Honor was presented to Alexandra Nickliss for her community service as a contributing member and Vice-Chair of the Sunshine Ordinance Task Force.

Speakers: None

3. Report from Complaint Committee meeting of July 12, 2005.

Member Cauthen made the report.

05022 Recommendation to accept jurisdiction of complaint filed by Micki Jones against the SF Fire Department for alleged refusal to release copies of reports, documentation, and whatever determination as a result of Investigative Service Bureau's investigation.

Speakers: None

Motion to accept jurisdiction of complaint filed by Micki Jones against the SF Fire Department for alleged refusal to release copies of reports, documentation, and whatever determination as a result of Investigative Service Bureau's investigation. (Cauthen/Pilpel)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller

Absent: Parker

Excused: Williams

Recommendation to accept jurisdiction of complaint filed by Dr. Nataraj Akkiraju against the Public Utilities Commission for alleged failure to release unredacted 5 pages of requested engineering report.

Speakers: None

05023 Motion to accept jurisdiction of complaint filed by Dr. Nataraj Akkiraju against the Public Utilities Commission for alleged failure to release unredacted 5 pages of requested engineering report. (Cauthen/Wolfe)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller

Absent: Parker

Excused: Williams

4. 05019 Public Hearing, complaint filed by John Kelly against the SF Police Department for alleged failure to respond to request for clarification and supplemental records.

Speakers: None

Motion to continue the complaint filed by John Kelly against the SF Police Department for alleged failure to respond to request for clarification and supplemental records. (Knee/Wolfe)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller

Absent: Parker

Excused: Williams

5. 05015 Continued public hearing, complaint filed by John Darmanin against the SF Fire Commission for alleged refused public comment.

Speakers: John Darmanin, Complainant; Paul Conroy, President, SF Fire Commission; Edwin Lee, Member of the public

Order of Determination finding the SF Fire Commission in violation of Section 67.15 of the Administrative Code and by breaking out the vote on the meeting minutes in four separate votes, it did not provide public comments to members of the public who wish to speak. (Craven/Comstock)

Ayes: Knee, Wolfe, Pilpel

Noes: Craven, Cauthen, Sterner, Comstock, Parker, Mueller

Excused: Williams

Motion fails.

Motion to send a letter to the Fire Commission recommending following:

1. Reasonableness in sending out agenda items, avoiding bundling, if at all possible.
2. Provide opportunities for public comments.

3. Provide clear rules for the public and policy bodies to operate. (Cauthen/Comstock)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Parker, Mueller

Excused: Williams

6. 05016 Continued public hearing, complaint filed by John Darmanin against the SF Fire Commission for alleged seriatim meeting rule by the Chair and two other members of the SF Fire Commission.

Speakers: John Darmanin, Complainant; Paul Conroy, President, Fire Commission

Motion to dismiss the complaint filed by John Darmanin against the SF Fire Commission for alleged seriatim meeting rule by the Chair and two other members of the SF Fire Commission. (Parker/Mueller)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Parker, Mueller

Excused: Williams

7. 05018 Public Hearing, complaint filed by John Darmanin against the SF Fire Commission for alleged denial of public comment on an item not agendized.

Speakers: John Darmanin, Complainant; Paul Conroy, President, Fire Commission

Motions to dismiss the complaint filed by John Darmanin against the SF Fire Commission for alleged denial of public comment on an item not agendized. (Parker/Mueller)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Parker, Mueller

Excused: Williams

8. 05022 Public Hearing, complaint filed by Micki Jones against the SF Fire Department for alleged refusal to release copies of reports, documentation, and whatever determination as a result of Investigative Service Bureau's investigation.

Speakers: Micki Jones, Complainant; Lorri Kalos, Assistant Deputy Director, Fire Department; John Darmanin and Ernest Lee, Members of the public.

Order of Determination finding the SF Fire Department in violation of Sections 67.21(b), 67.24(c7), 67.26 and 67.27 of the Sunshine Ordinance and in violation of Section 6254(c) the California Public Record Act. Based on the violations, the Task Force orders the Fire Department to produce the report to Micki Jones prior to the next Fire Commission meeting. (Craven/Sterner)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Parker, Mueller

Excused: Williams

9. Report from Compliance & Amendments Committee meeting of

July 13, 2005.

Member Knee made the report.

Discussion of responses from City departments regarding the Sunshine Ordinance Task Force survey.

Speakers: None

10. Report from Public Education and Information Committee meeting of

July 14, 2005.

Member Pilpel made the report.

Speakers: None

11. Administrator's Report for July.

Adele Destro, Interim Administrator made the report.

Speakers: None

12. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible.

Speakers: None

13. Announcements, questions, and future agenda items from the Task Force.

Member Comstock wishes to discuss making public notices more prominent at future meetings.

Member Pilpel discussed Board of Supervisors Resolution urging the Redevelopment Agency to establish a public records policy based on the San Francisco Sunshine Ordinance.

Adjournment **Meeting was adjourned at 8:43 p.m.**

This meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force.

Sunshine Ordinance Task Force

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7724
Fax No. 554-7854
TDD/TTY No. 544-5227

http://www.sfgov.org/sunshine/

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SUNSHINE ORDINANCE TASK FORCE
AGENDA
Tuesday, August 23, 2005
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven (Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Nick Mueller
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock (Chair)	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force, Room 244.

Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of July 26, 2005. (action item) (5 minutes) (attachment)

2. Administrator's Report. (no action item) (10 minutes) (attachment)

3. Continued discussion of member or public making harassing or discriminatory comments at a public meeting. (Comstock) (10 minutes) (no attachment)
Philip Ginsburg, Director of Human Resources

4. Report from Complaint Committee meeting of 12, 2005.
(Sue Cauthen) (10 min) (attachment)

05025 Recommendation to accept jurisdiction of complaint filed by Juan De Anda against the Department of Public Health for alleged denial of budget reports used to conduct Outreach from the Cultural Competence and Consumer Relations Office.

05026 Recommendation to accept jurisdiction of complaint filed by Patrick Monette-Shaw against the Mayor's Long Term Care Coordinating Council (LTCCC) for alleged refusal to take public testimony on one of the agenda items, claiming it was a passive meeting body not subject to Sunshine Ordinance rules and untimely posting of meeting agendas and minutes.

05027 Recommendation to accept jurisdiction of complaint filed by James Keys against the Mayor's Office for alleged violation of public records access regarding Comcast information.

05028 Recommendation to accept jurisdiction of complaint filed by Tom Feledy against the Department of Human Resources and San Francisco Police Department for alleged denial of access to public records pertaining to the 2004 SFPD Lieutenant's test citing attorney-client privilege and attorney work product.

05028A Recommendation to accept jurisdiction of complaint filed by Tom Feledy against the Civil Service Commission pertaining to the 2004 SFPD Lieutenant's test for alleged citing anticipated pre-litigation defense exception to the Brown Act.

5. 05025 Public Hearing, complaint filed by Juan De Anda against the Department of Public Health for alleged denial of budget reports used to conduct Outreach from the Cultural Competence and Consumer Relations Office.
(discussion and possible action) (30 minutes) (attachment)

6. 05026 Public Hearing, complaint filed by Patrick Monette-Shaw against the Mayor's Long Term Care Coordinating Council (LTCCC) for alleged refusal to take public testimony on one of the agenda items, claiming it was a passive meeting body not subject to Sunshine Ordinance rules and untimely posting of meeting agendas and minutes.
(discussion and possible action) (30 minutes) (attachment)

7. 05027 Public Hearing, complaint filed by James Keys against the Mayor's Office for alleged violation of public records access regarding Comcast information.
(discussion and possible action) (30 minutes) (attachment)

8. 05028 Public Hearing, complaint filed by Tom Feledy against the Department of Human Resources and San Francisco Police Department for alleged denial of access to public records pertaining to the 2004 SFPD Lieutenant's test citing attorney-client privilege and attorney work product.
(discussion and possible action) (30 minutes) (attachment)

9. 05028A Public Hearing, complaint filed by Tom Feledy against the Civil Service Commission pertaining to the 2004 SFPD Lieutenant's test for alleged citing anticipated pre-litigation defense exception to the Brown Act.
(discussion and possible action) (30 minutes) (attachment)

10. Report from Compliance & Amendments Committee meeting of August 10, 2005. (Richard Knee) (10 min) (attachment)

11. Report from Public Education and Information Committee meeting of August 11, 2005. (David Pilpel) (10 min) (no attachment)

(a) Recommendation to differentiate annual training pursuant to Administrative Code Section 67.33 based on participants' having attended prior trainings or other criteria.
(b) Recommendation to change committee name to Education, Outreach, and Training Committee.

12. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible. (no action item) (10 min) (no attachment)

13. Announcements, questions, and future agenda items from the Task Force. (no action item) (5 min) (no attachment)

Adjournment **Next Regular Meeting September 20, 2005**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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1.	Complainant presents his/her facts and evidence	5 minutes
	Other parties present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses)	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

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Board of Supervisors
Sunshine Ordinance Task Force

August 23, 2005

SUNSHINE ORDINANCE TASK FORCE MINUTES

Tuesday, August 23, 2005
4:00 p.m., City Hall, Room 408

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Task Force Members

Seat 1	Erica Craven (Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Nick Mueller
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock (Chair)	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

Call to Order The meeting called to order at 4:00 p.m.

Roll Call Present: Craven, Knee, Cauthen, Sterner (excused) Comstock, Pilpel, Wolfe, Parker (arrived at 5:07 p.m.), Mueller, Williams

Agenda Changes None

1. Approval of minutes of July 26, 2005.

   Speakers: None

   Motion to approve minutes of July 26, 2005. (Wolf/Williams)

   Ayes: Craven, Knee, Cauthen, Comstock, Pilpel, Wolfe, Mueller, Williams

   Absent: Parker
   Excused: Sterner

2. Administrator's Report.

Gloria L. Young, Clerk of the Board of Supervisors informed the Task Force that Frank Darby would assume the role of the Sunshine Ordinance Task Force Administrator effective September 6, 2005.

Speakers: None

3. Continued discussion of member or public making harassing or discriminatory comments at a public meeting.

This item was heard after item #8

Philip Ginsburg, Director of Human Resources, addressed the Task Force on the reason why the on-line video of the recent Building Inspection Commission meeting was edited on the SFGTV web site.

Speakers: None

4. Report from Complaint Committee meeting of August 9, 2005.

05025 Recommendation to accept jurisdiction of complaint filed by Juan De Anda against the Department of Public Health for alleged denial of budget reports used to conduct Outreach from the Cultural Competence and Consumer Relations Office.

Speakers: None

Motion to accept jurisdiction of complaint filed by Juan De Anda against the Department of Public Health for alleged denial of budget reports used to conduct Outreach from the Cultural Competence and Consumer Relations Office. (Cauthen/Knee)

Ayes: Craven, Knee, Cauthen, Comstock, Pilpel, Wolfe, Mueller, Willams

Absent: Parker
Excused: Sterner

05026 Recommendation to accept jurisdiction of complaint filed by Patrick Monette-Shaw against the Mayor's Long Term Care Coordinating Council (LTCCC) for alleged refusal to take public testimony on one of the agenda items, claiming it was a passive meeting body not subject to Sunshine Ordinance rules and untimely posting of meeting agendas and minutes.

Speakers: None

Motion to accept jurisdiction of complaint filed by Patrick Monette-Shaw against the Mayor's Long Term Care Coordinating Council (LTCCC) for alleged refusal to take public testimony on one of the agenda items, claiming it was a passive meeting body not subject to Sunshine Ordinance rules and untimely posting of meeting agendas and minutes. (Cauthen/Wolfe)

Ayes: Craven, Knee, Cauthen, Comstock, Pilpel, Wolfe, Mueller, Willams

Absent: Parker
Excused: Sterner

05027 Recommendation to accept jurisdiction of complaint filed by James Keys against the Mayor's Office for alleged violation of public records access regarding Comcast information.

Speakers: None

Motion to accept jurisdiction of complaint filed by James Keys against the Mayor's Office for alleged violation of public records access regarding Comcast information. (Cauthen/Wolfe)

Ayes: Craven, Knee, Cauthen, Comstock, Pilpel, Wolfe, Mueller, Willams

Absent: Parker
Excused: Sterner

05028 Recommendation to accept jurisdiction of complaint filed by Tom Feledy against the Department of Human Resources and San Francisco Police Department for alleged denial of access to public records pertaining to the 2004 SFPD Lieutenant's test citing attorney-client privilege and attorney work product.

05028A Recommendation to accept jurisdiction of complaint filed by Tom Feledy against the Civil Service Commission pertaining to the 2004 SFPD Lieutenant's test for alleged citing anticipated pre-litigation defense exception to the Brown Act.

Speakers: None

Motion to accept jurisdiction of complaint filed by Tom Feledy against the Department of Human Resources and San Francisco Police Department for alleged denial of access to public records pertaining to the 2004 SFPD Lieutenant's test citing attorney-client privilege and attorney work product and the Civil Service Commission for alleged citing anticipated pre-litigation defense exception to the Brown Act. (Cauthen/Knee)

Ayes: Craven, Knee, Cauthen, Comstock, Pilpel, Wolfe, Mueller, Willams

Absent: Parker
Excused: Sterner

5. 05025 Public Hearing, complaint filed by Juan De Anda against the Department of Public Health for alleged denial of budget reports used to conduct Outreach from the Cultural Competence and Consumer Relations Office.

Speakers: Juan De Anda, Complainant, Susan Esposito, Assistant Director of Clinical Services, Department of Public Health, Helynna Brooke, Director, San Francisco Mental Health Board and Patrick Monette-Shaw, Member of the public

Motion to find no violation and that the Task Force urges the department to further work with the complainant on his requests. (Pilpel/Knee)

Ayes: Craven, Knee, Cauthen, Comstock, Pilpel, Mueller, Willams

Noes: Wolfe, Parker
Excused: Sterner

6. 05026 Public Hearing, complaint filed by Patrick Monette-Shaw against the Mayor's Long Term Care Coordinating Council (LTCCC) for alleged refusal to take public testimony on one of the agenda items, claiming it was a passive meeting body not subject to Sunshine Ordinance rules and untimely posting of meeting agendas and minutes.

Speakers: Patrick Monette-Shaw, Complainant, Anna Hiton, Director, Department of Aging and Adult Services

Motion to dismiss complaint that no violation occurred and that the Task Force encourages all passive-meeting bodies, including the Mayor's Long Term Care Coordinating Council to include public comment to their procedures. (Parker/Knee)

Ayes: Craven, Knee, Cauthen, Comstock, Pilpel, Wolfe, Parker, Mueller

No: Williams
Excused: Sterner

7. 05027 Public Hearing, complaint filed by James Keys against the Mayor's Office for alleged violation of public records access regarding Comcast information.

Speakers: James Keys, Complainant, Darlin Chiu, Chief Deputy Communications Director, Office of the Mayor, Ron Vinson, Department of Telecommunication and Information Services

Motion to dismiss the complaint. (Parker/Pilpel)

Ayes: Craven, Knee, Cauthen, Comstock, Pilpel, Wolfe, Parker, Mueller

No: Williams
Excused: Sterner

8. 05028 Public Hearing, complaint filed by Tom Feledy against the Department of Human Resources and San Francisco Police Department for alleged denial of access to public records pertaining to the 2004 SFPD Lieutenant's test citing attorney-client privilege and attorney work product.

Speakers: Tom Feledy, Complainant, John Vernetta, Member of the public, Lt. Douglas Groshong, Commanding Officer, San Francisco Police Department

Motion to take no action.

Without objection.

9. 05028A Public Hearing, complaint filed by Tom Feledy against the Civil Service Commission pertaining to the 2004 SFPD Lieutenant's test for alleged citing anticipated pre-litigation defense exception to the Brown Act.

Speakers: Tom Feledy, Complainant, Anita Sanchez, Executive Officer, Civil Service Commission, Donald Casper, Member, Civil Service Commission

Motion to take no action.

Without objection.

10. Report from Compliance & Amendments Committee meeting of

August 10, 2005.

Member Knee made the report and submitted a draft letter to the Civil Grand Jury regarding nonprofit agencies.

Speakers: None

11. Report from Public Education and Information Committee meeting of

August 11, 2005. (David Pilpel) (10 min) (no attachment)

a. Recommendation to differentiate annual training pursuant to Administrative Code

Section 67.33 based on participants' having attended prior trainings or other criteria.

b. Recommendation to change committee name to Education, Outreach, and Training Committee.

Member Pilpel made the report.

Speakers: None

Motion to differentiate annual training pursuant to Administrative Code Section 67.33 based on participants' having attended prior trainings or other criteria. Without objection.

Motion to change committee name to Education, Outreach, and Training Committee. Without objection.

12. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m. or as soon thereafter as possible.

Patrick Monette-Shaw, member of the public, commended the Task Force for writing to the Civil Grand Jury; John Vernetta, member of the public, spoke on the SFPD Lieutenant's test.

13. Announcements, questions, and future agenda items from the Task Force.

Members Pilpel and Comstock spoke on the School District's implementation of the Sunshine Ordinance.

Member Pilpel submitted to the Task Force a proclamation to be presented to Adele Destro, Interim Sunshine Ordinance Task Force Administrator.

Motion to present a proclamation to Adele Destro, Interim Sunshine Ordinance Task Force Administrator.

Without objection.

Adjournment **Meeting was adjourned at 10:04 p.m.**

This meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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	Other parties present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes

	Other parties of City respond	Up to 3 minutes each

Above total speaking time for Complainant and City to be the same

3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses)	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to, if a speaker is interrupted by questions, the interruption does not count against his/her time.

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SUNSHINE ORDINANCE TASK FORCE
AGENDA
Tuesday, September 27, 2005
4:00 p.m., City Hall, Room 408

SF
S88
#1
9/27/05

Task Force Members

Seat 1	Erica Craven (Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Nick Mueller
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Seat 7	David Pilpel	Ex-officio	Vacant

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force, Room 244.

Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of August 23, 2005. (action item) (5 minutes) (attachment)

2. Discussion of City's Administrator's Office regarding Index of Records updates (Jill Lerner) (10 minutes) (no attachment)

3. Report from Complaint Committee meeting of September 14, 2005. (Sue Cauthen) (10 min) (attachment)

   05021 Recommendation to accept jurisdiction of complaint filed by Richard Midgett against the Controller's Office for alleged failure to provide access to process/verification of funding resources.

   05029 Recommendation to accept jurisdiction of complaint filed by John Kelly against the District Attorneys Office for alleged unlawful refusal to provide public records and failure to respond to a supplemental public records request in violation of Sections 67.21 (b) and 67.24 (d) of the Sunshine Ordinance.

05030 Recommendation to accept jurisdiction of complaint filed by Todd Wallack against the San Francisco County Assessor and Recorder for alleged refusal to provide copies of its records in a timely manner, and excessive fees.

05031 Recommendation to accept jurisdiction of complaint filed by Robert Planthold and Karen Fishkin against the Mayors Office of Criminal Justice for alleged failure to provide complete copies of requested records in a timely manner.

4. 05021 Public Hearing, complaint filed by Richard Midgett against the Controller's Office for alleged failure to provide access to process/verification of funding resources.
(discussion and possible action) (30 minutes) (attachment)

5. 05029 Public Hearing, complaint filed by John Kelly against the District Attorneys Office for alleged unlawful refusal to provide public records and failure to respond to a supplemental public records request in violation of Sections 67.21 (b) and 67.24 (d) of the Sunshine Ordinance.
(discussion and possible action) (30 minutes) (attachment)

6. 05030 Public Hearing, complaint filed by Todd Wallack against the San Francisco County Assessor and Recorder for alleged refusal to provide copies of its records in a timely manner, and excessive fees.
(discussion and possible action) (30 minutes) (attachment)

7. 05031 Public Hearing, complaint filed by Robert Planthold and Karen Fishkin against the Mayors Office of Criminal Justice for alleged failure to provide complete copies of requested records in a timely manner.
(discussion and possible action) (30 minutes) (attachment)

8. Report from Compliance & Amendments Committee: meeting of September 14, 2005 was cancelled. (Richard Knee) (10 min) (no attachment)

9. Report from Education, Outreach and Training Committee meeting of September 15, 2005. (David Pilpel) (10 min) (no attachment)

10. Administrator's Report. (no action item) (5 minutes) (attachment)

11. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible. (no action item) (10 min) (no attachment)

12. Announcements, questions, and future agenda items from the Task Force. (no action item) (5 min) (no attachment)

Adjournment **Next Regular Meeting October 25, 2005**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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3.	Complainant presents rebuttal	3 minutes
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	(Excluding Complainant & City response, witnesses)	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

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Board of Supervisors
Sunshine Ordinance Task Force

September 27, 2005

SUNSHINE ORDINANCE TASK FORCE MINUTES

Tuesday, September 27, 2005
4:00 p.m., City Hall, Room 408

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Task Force Members

Seat 1	Erica Craven (Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Nick Mueller
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock (Chair)	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

Call to Order The meeting called to order at 4:07 p.m.

Roll Call Present: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Parker (absent), Mueller, Williams

Deputy City Attorney: Ernie Llorente

Administrator: Frank Darby, Jr.

Agenda Changes None

1. Approval of minutes of August 23, 2005.

Speakers: None

Motion to approve (Pipel / Wolfe)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller, Williams

Absent: Parker

2. Discussion of City's Administrator's Office regarding Indexing of Records update.

This item was heard after item #11

Jill Lerner, Administrative Services, addressed the Task Force. Provided an update on the status of departments records Retention & Destruction Schedule.

Speakers: None

3. Report from Complaint Committee meeting of September 14, 2005.

Member Cauthen made the report

05021 Recommendation to accept jurisdiction of complaint filed by Richard Midgett against the Controller's Office for alleged failure to provide access to process/verification of funding resources.

Speakers: None

Motion to accept jurisdiction of complaint filed by Richard Midgett against the Controller's Office for alleged failure to provide access to process/verification of funding resources. (Cauthen / Wolfe)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller, Willams

Absent: Parker

05029 Recommendation to accept jurisdiction of complaint filed by John Kelly against the District Attorneys Office for alleged unlawful refusal to provide public records and failure to respond to a supplemental public records request in violation of Sections 67.21 (b) and 67.24 (d) of the Sunshine Ordinance.

Speakers: None

Motion to accept jurisdiction of complaint filed by John Kelly against the District Attorneys Office for alleged unlawful refusal to provide public records and failure to respond to a supplemental public records request in violation of Sections 67.21 (b) and 67.24 (d) of the Sunshine Ordinance. (Cauthen / Mueller)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller, Willams

Absent: Parker

05030 Recommendation to accept jurisdiction of complaint filed by Todd Wallack against the San Francisco County Assessor and Recorder for alleged refusal to provide copies of its records in a timely manner, and excessive fees.

Motion to recuse Member Craven. (Craven/Wolfe)

Without objection.

Speakers: None

Motion to accept jurisdiction of complaint filed by Todd Wallack against the San Francisco

County Assessor and Recorder for alleged refusal to provide copies of its records in a timely manner, and excessive fees. (Cauthen / Wolfe)

Ayes: Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller, Willams

Absent: Parker

Previously Recused: Craven

05031 Recommendation to accept jurisdiction of complaint filed by Robert Planthold and Karen Fishkin against the Mayors Office of Criminal Justice for alleged failure to provide complete copies of requested records in a timely manner.

Motion to recuse Member Comstock. (Pilpel/Wolfe)

Without Objection.

Speakers: None

Motion to to accept jurisdiction of complaint filed by Robert Planthold and Karen Fishkin against the Mayors Office of Criminal Justice for alleged failure to provide complete copies of requested records in a timely manner. (Cauthen / Wolfe)

Ayes: Craven, Knee, Cauthen, Sterner, Pilpel, Wolfe, Mueller, Willams

Absent: Parker
Previously Recused: Comstock

4. 05021 Public Hearing, complaint filed by Richard Midgett against the Controller's Office for alleged failure to provide access to process/verification of funding resources.

Speakers: Richard Midgett, Complainant; Kevin Barner, party for Complainant; David Curto, Director of Contracts, Human Services Agency.

Motion to dismiss the complaint. The Task Force expresses its displeasure with the Controllers Office for not having an authorized representative present and urges the Department of Human Services to print out and provide three copies of documents to Complainant. (Knee/Pilpel)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Mueller

Noes: Wolfe, Williams

Absent: Parker

5. 05029 Public Hearing, complaint filed by John Kelly against the District Attorneys Office for alleged unlawful refusal to provide public records and failure to respond to a supplemental public records request in violation of Sections 67.21 (b) and 67.24 (d) of the Sunshine Ordinance.

Speakers: None

Discussion: The Task Force discussed whether continuances should continue to be granted by request of Complainant/Departments only or require approval of the Task Force.

Motion to continue this item to the October 25, 2005 meeting. (Knee / Mueller)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller, Willams

Absent: Parker

6. 05030 Public Hearing, complaint filed by Todd Wallack against the San Francisco County Assessor and Recorder for alleged refusal to provide copies of its records in a timely manner, and excessive fees.

Speakers: Todd Wallack, Complainant; Craig Dziedzic, Tax Manager, San Francisco County Assessor and Recorder.

Motion to find the San Francisco County Assessor and Recorder in violation of Sections 67.25 and 67.28* for failure to provide copies of its records in a timely manner. Further discussion regarding fees is referred to the Education, Outreach, and Training Committee. (Cauthen/Wolfe)

Ayes: Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller, Willams

Absent: Parker

Previously Recused: Craven

7. 05031 Public Hearing, complaint filed by Robert Planthold and Karen Fishkin against the Mayors Office of Criminal Justice for alleged failure to provide complete copies of requested records in a timely manner.

Speakers: Robert Planthold and Karen Fishkin, Complainants; Murlene Randle, Director, Mayor's Office of Criminal Justice; David Mauroff, formal MOCJ staff person.

Motion to find the Mayors Office of Criminal Justice in violation of Sections 67.21 (B) and 67.24 (E)(1) of the Sunshine Ordinance for failure to provide complete copies of requested records in a timely manner. (Craven / Wolfe). Referred to Compliance and Amendments Committee for further action.

Ayes: Craven, Knee, Cauthen, Sterner, Wolfe, Mueller, Willams

Noes: Pilpel

Absent: Parker

Previously Recused: Comstock

8. Report from Compliance & Amendments Committee meeting of September 14, 2005.

Member Knee reported that the meeting was cancelled.

Speakers: None

9. Report from Education, Outreach and Training Committee meeting of

September 15, 2005.

Member Pilpel made the report.

Speakers: None

10. Administrator's Report for September.

Frank Darby, Administrator made the report.

Member Cauthen requested that pages in the packet be numbered sequentially.

Member Pilpel requested that a copy of the Memorandum For City Attorney Dennis Herrera dated September 7, 2005 to all Elected Officials, Boards, Policy Bodies, and Department Heads be provided to the Task Force.

Speakers: None

11. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible.

Speakers: None

12. Announcements, questions, and future agenda items from the Task Force.

Member Comstock discussed his invitation to speak at the meeting of the Civil Grand Jury.

Member Pilpel indicated that the San Francisco Unified School District is moving toward an open government.

Member Pilpel encouraged Task Force Members to bring other issues before the Task Force so that other issues are heard besides complaints.

Adjournment **Meeting was adjourned at 8:07 p.m.**

This meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force.

Sunshine Ordinance Task Force

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7724
Fax No. 554-7854
TDD/TTY No. 544-5227

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SUNSHINE ORDINANCE TASK FORCE
AGENDA
Tuesday, October 25, 2005
4:00 p.m., City Hall, Room 408

F
S88
#1
10/25/05

Task Force Members

Seat 1	Erica Craven (Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Nick Mueller
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock (Chair)	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force, Room 244.

Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of September 27, 2005. (action item) (5 minutes) (attachment)

2. Special recognition. (no action item) (5 minutes) (no attachment)

3. Report from Complaint Committee meeting of October 11, 2005. (Sue Cauthen) (10 min) (attachment)

05029 Continued item on recommendation to accept jurisdiction of complaint filed by John Kelly against the District Attorneys Office for alleged unlawful refusal to provide public records and failure to respond to a supplemental public records request in violation of Sections 67.21 (b) and 67.24 (d) of the Sunshine Ordinance.

05032 Recommendation to accept jurisdiction of complaint filed by Christopher Willers against the San Francisco Zoological Society for alleged violation of Sections 67.24 (f), and 67.21 (d) and 67.27 of the Sunshine Ordinance by not providing requested records access, and for failure to provide written justification for the withholding of information.

05033 Recommendation to accept jurisdiction of complaint filed by Joseph Engler against the San Francisco Civil Service Commission for alleged willful refusal to provide requested documents, while citing attorney-client privilege, and for failure to respond in a timely manner.

4. 05029 Public Hearing, complaint filed by John Kelly against the District Attorneys Office for alleged unlawful refusal to provide public records and failure to respond to a supplemental public records request in violation of Sections 67.21 (b) and 67.24 (d) of the Sunshine Ordinance.
(discussion and possible action) (30 minutes) (attachment)

5. 05032 Public Hearing, complaint filed by Christopher Willers against the San Francisco Zoological Society for alleged violation of Sections 67.24 (f), and 67.21 (d) and 67.27 of the Sunshine Ordinance by not providing requested records access, and for failure to provide written justification for the withholding of information.
(discussion and possible action) (30 minutes) (attachment)

6. 05033 Public Hearing, complaint filed by Joseph Engler against the San Francisco Civil Service Commission for alleged willful refusal to provide requested documents, while citing attorney-client privilege, and for failure to respond in a timely manner.
(discussion and possible action) (30 minutes) (attachment)

7. Discussion regarding the San Francisco Redevelopment Agencies' draft Public Records Policy dated September 21, 2005.
(discussion and possible action) (10 minutes) (attachment)

8. Report from Compliance & Amendments Committee: meeting of October 12, 2005. (Richard Knee) (10 min) (attachment)

9. Report from Education, Outreach and Training Committee (Meeting of October 13, 2005, cancelled) (David Pilpel) (10 min) (no attachment)

10. Administrator's Report. (no action item) (5 minutes) (attachment)

11. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible. (no action item) (10 min) (no attachment)

12. Announcements, questions, and future agenda items from the Task Force. (no action item) (5 min) (no attachment)

Adjournment **Next Regular Meeting November 22, 2005**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

1.	Complainant presents his/her facts and evidence	5 minutes
	Other parties present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses)	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to, if a speaker is interrupted by questions, the interruption does not count against his/her time.

Disability Access: The hearing room is wheelchair accessible.

Chemical-Based Products: In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415 554 7724; by fax at 415 554 7854; or by email at sotf@sfgov.org.

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Board of Supervisors
Sunshine Ordinance Task Force

October 25, 2005

SUNSHINE ORDINANCE TASK FORCE MINUTES

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Tuesday, October 25, 2005
4:00 p.m., City Hall, Room 408

Task Force Members

Seat 1	Erica Craven (Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Nick Mueller
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock (Chair)	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

Call to Order The meeting called to order at 4:04 p.m.

Roll Call Present: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe (arrived at 4:35 p.m.), Parker (arrived at 4:36 p.m.), Mueller, Williams

Deputy City Attorney: Ernie Llorente

Administrator: Frank Darby, Jr.

Agenda Changes Item #11, and #7 were heard after item #4

1. Approval of minutes of September 27, 2005.

Speakers: None

Motion to approve as amended (Knee / Sterner)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Mueller, Williams

Absent: Wolfe, Parker

The Task Force instructed the Administrator to include the Orders of Determination from previous meetings with the Administrators Report.

2. Special recognition.

Speakers: None

The Task Force announced a special recognition for former Interim Administrator, Adele Destro and instructed the Administrator to submit the recognition to her by mail.

3. Report from Complaint Committee meeting of October 11, 2005.

Member Cauthen made the report

05029 Continued item on recommendation to accept jurisdiction of complaint filed by John Kelly against the District Attorneys Office for alleged unlawful refusal to provide public records and failure to respond to a supplemental public records request in violation of Sections 67.21 (b) and 67.24 (d) of the Sunshine Ordinance.

Speakers: None

Motion to accept jurisdiction of complaint filed by John Kelly against the District Attorneys Office for alleged unlawful refusal to provide public records and failure to respond to a supplemental public records request in violation of Sections 67.21 (b) and 67.24 (d) of the Sunshine Ordinance. (Cauthen / Pilpel)

No action was taken on this item. The Deputy City Attorney noted that jurisdiction had already been determined during the September 27, 2005, meeting.

05032 Recommendation to accept jurisdiction of complaint filed by Christopher Willers against the San Francisco Zoological Society for alleged violation of Sections 67.24 (f), and 67.21 (d) and 67.27 of the Sunshine Ordinance by not providing requested records access, and for failure to provide written justification for the withholding of information.

Speakers: Arturo Aleman, Human Resources Director, San Francisco Zoological Society

Motion to accept jurisdiction of complaint filed Christopher Willers against the San Francisco Zoological Society for alleged violation of Sections 67.24 (f), and 67.21 (d) and 67.27 of the Sunshine Ordinance by not providing requested records access, and for failure to provide written justification for the withholding of information. (Cauthen / Pilpel)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Mueller, Willams

Absent: Wolfe, Parker

05033 Recommendation to accept jurisdiction of complaint filed by Joseph Engler against the San Francisco Civil Service Commission for alleged willful refusal to provide requested documents, while citing attorney-client privilege, and for failure to respond in a timely manner.

Member Pilpel disclosed his friendship with complainant Joseph Engler, and Kate Favetti with the Civil Service Commission.

Speakers: None

Motion to accept jurisdiction of complaint filed by Joseph Engler against the San Francisco Civil Service Commission for alleged willful refusal to provide requested documents, while citing attorney-client privilege, and for failure to respond in a timely manner. (Cauthen / Pilpel)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Mueller, Willams

Absent: Wolfe, Parker

The Task Force referred further discussion to the Rules Committee regarding whether the acceptance of jurisdiction should be determined on a complaint when both parties have agreed to a continuance and are not present at the meeting.

4. 05029 Public Hearing, complaint filed by John Kelly against the District Attorneys Office for alleged unlawful refusal to provide public records and failure to respond to a supplemental public records request in violation of Sections 67.21 (b) and 67.24 (d) of the Sunshine Ordinance.

Speakers: John Kelly, Complainant; Thomas Bogott, Assistant District Attorney, District Attorney's Office.

Motion to find the District Attorneys Office in violation of Sections 67.21 (a) and (b) of the Sunshine Ordinance for failure to respond to Mr. Kelly's supplemental request, limited to information which must be disclosed under Government Code Sections 6254 (f) including subsections (1) and (2). (Craven / Knee)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Parker, Mueller, Willams

The Task Force affirms that Assistant District Attorney, Thomas Bogott has agreed to re-review the complainant's request, for information that must be disclosed pursuant to Government Code section 6254 (1) and (2).

5. 05032 Public Hearing, complaint filed by Christopher Willers against the San Francisco Zoological Society for alleged violation of Sections 67.24 (f), and 67.21 (d) and 67.27 of the Sunshine Ordinance by not providing requested records access, and for failure to provide written justification for the withholding of information.

Speakers: Christopher Willers, Complainant; Arturo Aleman, Human Resources Director, San Francisco Zoological Society

Motion to find the San Francisco Zoological Society in violation of the Sunshine Ordinance*for failure to provide a timely response to records request*, and requires the department to provide a copy of its five page summary budget and detail budget to Mr. Willers as soon as possible. (Craven/Pilpel)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Parker, Mueller, Willams

6. 05033 Public Hearing, complaint filed by Joseph Engler against the San Francisco Civil Service Commission for alleged willful refusal to provide requested documents, while citing attorney-client privilege, and for failure to respond in a timely manner.

Speakers: None

Motion to continue this item to the November 22, 2005, Task Force meeting (Craven / Knee)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Parker, Mueller, Willams

7. Discussion regarding the San Francisco Redevelopment Agencies' draft Public Records Policy dated September 21, 2005.

Motion to recommend that the San Francisco Redevelopment Agency adopt their Draft Public Records Policy dated September 21, 2005, with proposed amendments indicated to their Agency General Counsel, Jim Morales. (Pilpel / Wolfe)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Parker, Mueller, Willams

The Sunshine Ordinance Task Force request that the San Francisco Redevelopment Agency consult the Task Force for their review and comment with regards to any future amendments to their Public Records Policy.

The Administrator was instructed to send a letter to the Department regarding the Task Forces recommendation and request.

8. Report from Compliance & Amendments Committee: meeting of October 12, 2005.

Member Knee made the report.

Speakers: None

9. Report from Education, Outreach and Training Committee: meeting of October 13, 2005.

Member Pilpel reported that the meeting was cancelled.

Speakers: None

10. Administrator's Report for October 2005.

Administrator Darby made the report.

The Task Force requested that the City Attorney report on the source of the Harassment policy provided and whether it has authority over the Task Force.

The Administrator was instructed to bring a copy of the harassment policy to every Task Force and Committee meeting.

11. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible.

Speakers: None

12. Announcements, questions, and future agenda items from the Task Force.

Member Comstock indicated that he was invited to speak at the Civil Grand Jury meeting to discuss the Task Force's concerns pertaining to SF Admin. Code 12L. He invited Task Force members attend the meeting at 5:30 p.m. on October 31, 2005 at 430 McAllister room 716.

Member Cauthen instructed the Administrator to add a discussion on the Complaint Committee agenda regarding City Department's Index of Records/Records Retention Policy.

Member Wolfe requested that Task Force members be notified of non Task Force meetings.

Deputy City Attorney, Ernest Llorente suggested that notices be disseminated through the Administrator.

Member Pilpel reported on his attendance to the School District meeting.

Member Pilpel introduced a draft document suggesting changes to the complaint procedure. Further discussion continued to the next Task Force meeting.

Member Parker indicated that he will be resigning from the Task Force, effective December 1, 2005.

Adjournment **Meeting was adjourned at 7:03 p.m.**

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force.

Sunshine Ordinance Task Force

City Hall
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SUNSHINE ORDINANCE TASK FORCE
AGENDA
Tuesday, November 22, 2005
4:00 p.m., City Hall, Room 408

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Task Force Members

Seat 1	Erica Craven (Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee	Seat 9	David Parker
Seat 3	Sue Cauthen	Seat 10	Nick Mueller
Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock (Chair)	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. These items will be available for review at City Hall, Sunshine Ordinance Task Force, Room 244.

Call to Order
Roll Call
Agenda Changes

1. Approval of minutes of October 25, 2005. (action item) (5 minutes) (attachment)

2. Report from Complaint Committee meeting of November 8, 2005. (Sue Cauthen) (discussion and possible action) (10 min) (attachment) (Other than action items, the Chair has requested that reports be submitted in writing.)

   05034 Recommendation to accept jurisdiction of complaint filed by Justine Augustine against the San Francisco Animal Care and Control for alleged incomplete production of records and failure to respond in a timely manner.

   05036 Recommendation to accept jurisdiction of complaint filed by Espanola Jackson against Supervisor Sophie Maxwell for alleged violation of Sections 67.7, 67.7-1, and 67.15 by not giving notice of public meetings or hearings regarding the community impact of the proposed City ordinance.

05038 Recommendation to accept jurisdiction of complaint filed by David Parker against the San Francisco Police Department for alleged violation of Sections 67.21, 67.24, 67.25, 67.26, 67.27, and 67.29-7 of the Sunshine Ordinance for failure to provide pubic records access, to respond in a timely manner, and to justify the withholding of information.**

3. 05033 Continued public hearing, complaint filed by Joseph Engler against the San Francisco Civil Service Commission for alleged willful refusal to provide requested documents, while citing attorney-client privilege, and for failure to respond in a timely manner.
(discussion and possible action) (30 minutes) (attachment)

4. 05034 Public Hearing, complaint filed by Justine Augustine against the San Francisco Animal Care and Control for alleged incomplete production of records and failure to respond in a timely manner.
(discussion and possible action) (30 minutes) (attachment)

5. 05036 Public Hearing, complaint filed by Espanola Jackson against Supervisor Sophie Maxwell for alleged violation of Sections 67.7, 67.7-1, and 67.15 by not giving notice of public meetings or hearings regarding the community impact of the proposed City ordinance.
(discussion and possible action) (30 minutes) (attachment)

6. 05038 Public Hearing, complaint filed by David Parker against the San Francisco Police Department for alleged violation of Sections 67.21, 67.24, 67.25, 67.26, 67.27, and 67.29-7 of the Sunshine Ordinance for failure to provide pubic records access, to respond in a timely manner, and to justify the withholding of information.**
(discussion and possible action) (30 minutes) (attachment)

7. Report from Rules Committee: meeting of November 9, 2005.
(Heather Sterner) (Other than action items, the Chair has requested that reports be submitted in writing.) (attachment)

8. Report from Compliance & Amendments Committee: meeting of November 17, 2005. (Richard Knee) (Other than action items, the Chair has requested that reports be submitted in writing.) (no attachment)

9. Report from Education, Outreach and Training Committee: (Meeting of November 10, 2005 was canceled.) (David Pilpel) (Other than action items, the Chair has requested that reports be submitted in writing.) (no attachment)

9A. San Francisco Unified School District Proposed Open Government Policy
(discussion and possible action) (no attachment)

9B. Clarification of Sunshine Ordinance Task Force Complaint Procedures.
(discussion and possible action) (no attachment)

** Since Complainant, David Parker, is a member of the Task Force, he is recused from hearing his own complaint.

10. Administrator's Report. (no action item) (5 minutes) (attachment)

11. Public comment for items not listed on the agenda. Public comment to be held at 5:00 p.m., or as soon thereafter as possible. (no action item) (10 min) (no attachment)

12. Announcements, questions, and future agenda items from the Task Force. (no action item) (5 min) (no attachment)

Adjournment **Next Regular Meeting December 27, 2005**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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	Other parties present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
Above total speaking time for Complainant and City to be the same		
3.	Complainant presents rebuttal	3 minutes
4.	Public comment	Up to 3 minutes each
	(Excluding Complainant & City response, witnesses)	
5.	Matter is with the Task Force for discussion and deliberation	
6.	Vote by Task Force	

Note: Time must be adhered to, if a speaker is interrupted by questions, the interruption does not count against his/her time.

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Board of Supervisors
Sunshine Ordinance Task Force

November 22, 2005

SUNSHINE ORDINANCE TASK FORCE

MINUTES

Tuesday, November 22, 2005

4:00 p.m., City Hall, Room 408

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Task Force Members

Seat 1	Erica Craven (Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee	Seat 9	David Parker
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Seat 4	Vacant	Seat 11	Marjorie Ann Williams
Seat 5	Heather Sterner		
Seat 6	Doug Comstock (Chair)	Ex-officio	Gloria Young
Seat 7	David Pilpel	Ex-officio	Vacant

Call to Order The meeting called to order at 4:15 p.m.

Roll Call Present: Craven (arrived at 4:18 p.m.), Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Parker (arrived at 5:11 p.m.), Mueller, Williams (Excused)

Deputy City Attorney: Ernie Llorente

Clerk: Linda Wong

Agenda Changes: Items #2 and #4. The name of the complainant was misspelled.

1. Approval of minutes of October 25, 2005.

Speakers: None

Motion to approve minutes of October 25, 2005. (Pilpel/Cauthen)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe,

Mueller

Absent: Parker

Excused: Williams

2. Report from the Complaint Committee meeting of November 8, 2005.

Member Cauthen made the report

05034 Recommendation to accept jurisdiction of complaint filed by Justin Augustine against the San Francisco Animal Care and Control for alleged incomplete production of records and failure to respond in a timely manner.

Speakers: None

Motion to accept jurisdiction of complaint filed by Justin Augustine against the San Francisco Animal Care and Control for alleged incomplete production of records and failure to respond in a timely manner. (Cauthen/Pilpel)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller

Absent: Parker

Excused: Williams

05036 Recommendation to accept jurisdiction of complaint filed by Espanola Jackson against Supervisor Sophie Maxwell for alleged violation of Sections 67.7, 67.7-1, and 67.15 by not giving notice of public meetings or hearings regarding the community impact of the proposed City ordinance.

Speakers: None

Member Comstock requested to be recused.

Motion to recuse Member Comstock. (Knee/Wolfe)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller

Absent: Parker

Excused: Williams

Motion to accept jurisdiction of complaint filed by Espanola Jackson against Supervisor Sophie Maxwell for alleged violation of Sections 67.7, 67.7-1, and 67.15 by not giving notice of public meetings or hearings regarding the community impact of the proposed City ordinance. (Cauthen/Knee)

Ayes: Craven, Knee, Cauthen, Sterner, Pilpel, Wolfe, Mueller

Recused: Comstock

Absent: Parker

Excused: Williams

05038 Recommendation to accept jurisdiction of complaint filed by David Parker against the San Francisco Police Department for alleged violation of Sections 67.21, 67.24, 67.25, 67.26, 67.27, and 67.29-7 of the Sunshine Ordinance for failure to provide pubic records access, to respond in a timely manner, and to justify the withholding of information. **

Speakers: None

Motion to accept jurisdiction of complaint filed by David Parker against the San Francisco Police Department for alleged violation of Sections 67.21, 67.24, 67.25, 67.26, 67.27, and 67.29-7 of the Sunshine Ordinance for failure to provide pubic records access, to respond in a timely manner, and to justify the withholding of information. (Cauthen/Pilpel)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller

Absent: Williams, Parker

3. 05033 Continued public hearing, complaint filed by Joseph Engler against the San Francisco Civil Service Commission for alleged willful refusal to provide requested documents, while citing attorney-client privilege, and for failure to respond in a timely manner.

The complainant has withdrawn his complaint against the San Francisco Civil Service Commission.

4. 05034 Public Hearing, complaint filed by Justin Augustine against the San Francisco Animal Care and Control for alleged incomplete production of records and failure to respond in a timely manner.

Speakers: Justin Augustine, complainant; Kathleen Brown, Deputy Director, San Francisco Animal Care & Control Department; Brent Plater; Francisco Da Costa, Public

Motion to find that although the San Francisco Animal Care and Control technically violated Section 67.21 of the Sunshine Ordinance by failing to promptly comply with Sunshine request, it also evidenced good faith in attempting to comply with the request after the initial delay. The Task Force looks forward to seeing full compliance within the time fame specified, which was January 4, 2006. (Craven/Knee)

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Parker, Mueller

Excused: Williams

Motion to send a letter to the City's IT Division, citing the problems encountered by the Animal Care and Control Department in responding to a public records request which involved the review and possible redaction of information contained in over 60,000 documents. (Pilpel/Cauthen)

Without Objection.

5. 05036 Public Hearing, complaint filed by Espanola Jackson against Supervisor Sophie Maxwell for alleged violation of Sections 67.7, 67.7-1, and 67.15 by not giving notice of public meetings or hearings regarding the community impact of the proposed City ordinance.

Speakers: Espanola Jackson, Complainant; Francisco Da Costa; Greg Asay, Legislative Assistants, Supervisor Maxwell's Office.

Motion to find no violation of the Sunshine Ordinance. (Knee/Mueller)

Ayes: Craven, Knee, Cauthen, Sterner, Pilpel, Wolfe, Mueller

Noes: Parker

Excused: Williams

Member Comstock previously recused.

Motion to send a letter to Supervisor Sophie Maxwell urging her to have more communications with constituents in regards to all high level projects. (Parker/Wolfe)

Ayes: Wolfe, Parker

Noes: Craven, Knee, Cauthen, Sterner, Pilpel, Mueller

Excused: Williams

Member Comstock previously recused.

6. 05038 Public Hearing, complaint filed by David Parker against the San Francisco Police Department for alleged violation of Sections 67.21, 67.24, 67.25, 67.26, 67.27, and 67.29-7 of the Sunshine Ordinance for failure to provide pubic records access, to respond in a timely manner, and to justify the withholding of information.**

Motion to recuse Member Parker. (Pilpel/Mueller)

Without objections.

Speaker: David Parker, Complainant; Lt. Doug Groshong, Legal Division, San Francisco Police Department

Motion to find that the SFPD violated Sections 67.21 and 64.24(i) of the Sunshine Ordinance by failing to release its policy on "past drug use" by applicants for uniformed police officer employment and further finds that State Government Code Section 6254(g) which provides an exemption from disclosure is inapplicable to the facts of this case. The SFPD is required to release its policy to complainant Parker. (Wolfe/Pilpel)

Member Parker previously recused.

Ayes: Craven, Knee, Cauthen, Sterner, Comstock, Pilpel, Wolfe, Mueller

Excused: Williams

7. Report from Rules Committee: meeting of November 9, 2005.

The Chair submitted the report and requested that the item be continued to the next full Task Force agenda as an action item.

Speakers: None

8. Report from Compliance & Amendments Committee: meeting of November 17, 2005.

The Chair submitted the report and requested that this item be continued to the next full Task Force agenda as an action item.

Speakers: None

9. Report from Education, Outreach and Training Committee

There was no report.

Speakers: None

9A. San Francisco Unified School District Proposed Open Government Policy

Speakers: None

Motion to send this item to the Ad Hoc Committee for discussion within the next 30 days. (Comstock/Mueller)

Ayes: Craven, Knee, Sterner, Comstock, Pilpel, Wolfe, Parker, Mueller

Absent: Cauthen

Excused: Williams

9B. Clarification of Sunshine Ordinance Task Force Complaint Procedures.

Motion to continue this item. Without objection.

Speakers: None

10. Administrator's Report.

The Administrator submitted a written report.

Speakers: None

11. Public comment for items not listed on the agenda.

Speakers: None

12. Announcements, questions, and future agenda items from the Task Force.

By consensus of the Task Force the Chair requested that the next meeting be held on January 3, 2006.

Adjournment **Meeting was adjourned at 8:25 p.m.**

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force.

SF Docs

From: Frank Darby on behalf of SOTF **Sent:** Fri 12/23/2005 7:59 AM
To:
Cc:
Subject: Cancellation Notice: December 27, 2005 SOTF meeting
Attachments:

Please be advised that the regular meeting of the Sunshine Ordinance Task Force scheduled for Tuesday, December 27, 2005 has been canceled.

Frank Darby, Jr., Administrator
Sunshine Ordinance Task Force
SOTF@SFGov.org
OFC: (415) 554-7724
FAX: (415) 554-7854

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